

Monday
April 16, 1979

HUD REPORT

Highlights

NOTE—The Reader Aids Section appears at the end of this issue.

- 22444 Minimum Property Standards** HUD/FHC increases thermal requirements for one- and two-family dwellings; effective 5-16-79
- 22648 Community Development** HUD/CPD permits use of block grant funds for rehabilitation assistance under certain conditions; effective 5-16-79 (Part III of this issue)
- 22682 Community Development** HUD/CPD proposes to change certain filing and clearinghouse review requirements with respect to entitlement and small cities grants; comments by 6-15-79 (Part IX of this issue)
- 22666 Housing and Urban Planning** HUD/CPD proposes rules regarding requirements and procedures for managing comprehensive planning assistance grants; comments by 6-15-79 (Part VII of this issue)
- 22608 Weatherization Assistance for Low-Income Persons** DOE proposes to require State development of list of weatherization measures, by building type, ranked in order of cost-effectiveness; comments by 5-16-79; hearing on 4-30-79; requests to speak by 4-20-79 (Part II of this issue)

CONTINUED INSIDE



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

Highlights

Vol. 44, No. 74

Monday, April 16, 1979

- 22660 Law and Government Studies in Education** HEW/National Institute of Education issues interim final rules for research grants program; comments by 6-15-79 (Part VI of this issue)
- 22517, 22518 Educational Loans** HEW/OE announces variable interest rate on health education loans for quarter ending 3-31-79 and special allowance on guaranteed student loans for quarter ending 12-31-78 (2 documents)
- 22518 School Construction** HEW/OE invites applications for technical assistance projects for Fiscal Year 1979 by 8-20-79
- 22652 College Housing** HUD/FHC proposes rules on loan requirements for Fiscal Year 1979 program; comments by 5-16-79 (Part IV of this issue)
- 22541 American Schools and Hospitals Abroad** State/AID issues proposed program criteria for screening applications for foreign assistance grants; comments by 5-25-79
- 22524, 22525 Law Enforcement Grants** Justice/LEAA announces competitive procurements for evaluation of Major White Collar Crime Program, National Criminal Justice Executive Training Program, and certain dried blood typing methods; preliminary proposals and applications by 5-11 and 5-30-79 (3 documents)
- 22469 Savings Accounts** FHLBB announces public hearing on proposed regulations concerning alternatives for payment of interest on deposits; hearing on 5-1-79
- 22531 Agency Forms** OMB publishes list of forms under review
- 22476 Marine Casualties** DOT/CG considers developing regulations to require persons responsible for certain U.S. tank vessels to immediately report accidents occurring within U.S. waters or near U.S. coasts; comments by 6-1-79
- 22601 Sunshine Act Meetings**

Separate Parts of This Issue

- 22608 Part II, DOE
- 22648 Part III, HUD/CPD
- 22652 Part IV, HUD/FHC
- 22656 Part V, DOT/FAA
- 22660 Part VI, HEW/National Institute of Education
- 22666 Part VII, HUD/CPD
- 22678 Part VIII, HUD/FHC
- 22682 Part IX, HUD/CPD
- 22686 Part X, DOT/CG

Contents

Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

Agency for International Development

NOTICES

- 22541 American Schools and hospitals abroad projects; proposed program criteria; inquiry

Agricultural Marketing Service

RULES

- 22433 Papayas grown in Hawaii

Agriculture Department

See Agricultural Marketing Service; Farmers Home Administration.

Alcohol, Tobacco and Firearms Bureau

PROPOSED RULES

Alcoholic beverages:

- 22473 Wine industry; elimination and simplification of public use forms

Blind and Other Severely Handicapped, Committee for Purchase from

NOTICES

- 22503, 22504 Procurement list, 1979; additions and deletions (2 documents)

Civil Aeronautics Board

NOTICES

Hearings, etc.:

- 22501 Air Traffic Conference of America
22501 Anchorage-London service case
22501 Hawaii common fares investigation
22501 Las Vegas-Phoenix show-cause proceeding

Coast Guard

RULES

Navigation requirements:

- 22457 COLREGS demarcation lines; Alaska and Mass.
22456 Port Allen-Morgan City alternate waterway and landslide route; demarcation line between inland waters and western rivers

PROPOSED RULES

Navigation safety regulations:

- 22686 Confined or congested waters; list of areas
Tank vessels:
22476 Casualty reporting requirements; advance notice

NOTICES

Meetings:

- 22542 Boating Safety National Advisory Council
22543 Port access routes; study dates and contact points; inquiry
Vessel traffic management:
22546 New York harbor traffic, temporary control

Commerce Department

See also Foreign-Trade Zones Board; National Oceanic and Atmospheric Administration; Patent and Trademark Office.

Community Planning and Development, Office of Assistant Secretary

RULES

Community development block grants:

- 22648 Rehabilitation assistance and program benefit
22453 Urban development action grants; minimal standards of physical and economic distress; interim rule; correction

PROPOSED RULES

Community development block grants:

- 22682 Entitlement and small cities grants; compliance with OMB A-95 Circular
Comprehensive planning assistance:
22666 Grant management; requirements and procedures

Consumer Product Safety Commission

PROPOSED RULES

- 22497 Consumer products containing benzene; extension of time for rulemaking

Customs Service

NOTICES

Generalized system of preferences; duty free entry of certain merchandise from designated developing countries; petitions:

- 22551 Disposable butane lighters from Hong Kong; inquiry; extension of time
Tariff reclassification petitions:
22551 Lasted leather footwear uppers; correction

Defense Department

See Navy Department.

Economic Regulatory Administration

NOTICES

Decisions and orders:

- 22505 Shell Oil Co.
22504 Emergency electric energy interconnection and transfer authority; policy statement

Education Office

PROPOSED RULES

Libraries:

- 22482 Services, construction etc.; matching funds, base year, and urban resource libraries; availability of draft regulations

NOTICES

Grant applications and proposals, closing dates:

- 22518 School construction program
22517 Guaranteed student loan programs; special allowances
22518 Health Education Assistance Loan Program, interest rate

Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

PROPOSED RULES

- 22608 Weatherization assistance for low-income persons

NOTICES

Meetings:

- 22504 International Energy Agency Industry Advisory Board

Environmental Protection Agency

RULES

Air quality implementation plans; delayed compliance orders:

- 22458, 22460, 22461 Ohio (3 documents)

Water pollution; effluent guidelines for certain point source categories:

- 22463 Canned and preserved fruits; pickle salting stations

PROPOSED RULES

Air quality implementation plans; delayed compliance orders:

- 22480, 22481 Wyoming (2 documents)

NOTICES

Air pollution control, new motor vehicles and engines:

- 22510 Diesel engine technology; 1981 NOx emission standard; waiver application

Meetings:

- 22511 Science Advisory Board, Mobile Sources Subcommittee; cancellation

Pesticides, temporary tolerances:

- 22511 Methyl 2-chloro-9-hydroxyfluorene-9-carboxylate et al.

Equal Employment Opportunity Commission

NOTICES

- 22601 Meetings; Sunshine Act
22512 Records and reports; extension of deadline for filing

Farmers Home Administration

RULES

Guaranteed loans:

- 22433 Data collection system

Federal Aviation Administration

RULES

Airworthiness directives:

- 22440 Cessna
22439 Gates Lear Jet

- 22442 Restricted areas

PROPOSED RULES

Airworthiness review:

- 22656 Transport airplane, light; conference
22471 Transition areas

NOTICES

- 22549 Airspace, informal meeting

Federal Communications Commission

RULES

Radio services, special:

- 22466 Amateur service; Code Credit Certificates; acceptance by any Commission office

NOTICES

- 22601 Meetings; Sunshine Act (3 documents)

Federal Disaster Assistance Administration

NOTICES

Disaster and emergency areas:

- 22519 Florida

- 22520 Georgia
22520 Missouri (2 documents)
22520 Washington

Federal Election Commission

NOTICES

- 22601 Meetings; Sunshine Act

Federal Energy Regulatory Commission

NOTICES

Hearings, etc.:

- 22510 Algonquin Gas Transmission Co.
22510 Boston Edison Co.
22508, 22510 Columbia Gas Transmission Corp. (2 documents)

- 22510 Columbia Gulf Transmission Co.

- 22509 Consolidated Gas Supply Corp.

- 22509 Explorer Pipeline Co.

- 22509 Idaho Power Co.

- 22509 Southern Natural Gas Co.

- 22601, 22602 Meetings; Sunshine Act (3 documents)

Federal Home Loan Bank Board

PROPOSED RULES

- 22469 Savings accounts rates revision; public hearing

Federal Housing Commissioner—Office of Assistant Secretary for Housing

RULES

- 22444 Thermal insulation; minimum property standards; interim rule

Federal Maritime Commission

PROPOSED RULES

- 22487 Self-policing of independent liner operators; advance notice

NOTICES

- 22512-22515 Agreements filed, etc. (7 documents)

Federal Mine Safety and Health Review Commission

NOTICES

- 22602 Meetings; Sunshine Act

Federal Reserve System

NOTICES

Applications, etc.:

- 22516 Colonial-American Bankshares Corp.

- 22516 First Community Bancorporation

- 22517 Metropolitan Bankshares, Inc.

- 22516 Pittsburgh National Corp.

Federal Open Market Committee:

- 22516 Domestic open market operations, authorization (2 documents)

Federal Trade Commission

RULES

- 22442 Ophthalmic goods and services; advertising of prescription eyewear or eye examinations

PROPOSED RULES

- 22497 Antacids, over-the-counter; advertising; hearing Consent orders:

- 22488 Arnaudville Industries, Inc.

- 22491 Madison Mobile-Modular Homes, Inc.

- 22494 Motherhood Maternity Shops, Inc.

NOTICES

Premerger notification waiting periods; early terminations:

22517 Volkswagenwerk AG

Fiscal Service**NOTICES**

Surety companies acceptable on Federal bonds:

22551 Indemnity Co. of California

Fish and Wildlife Service**RULES**

Public entry and use:

22467 Aleutian Islands National Wildlife Refuge, Alaska

Foreign-Trade Zones Board**NOTICES**

Applications, etc.:

22502 Newark/Elizabeth, N.J.

General Accounting Office**NOTICES**

22517 Regulatory reports review; proposals, approvals, etc. (ICC)

General Services Administration**RULES**

Property management, Federal:

22464 Smoking; prohibition in GSA controlled buildings

Geological Survey**NOTICES**

Geothermal resources areas, operations, etc.:

22522 Nevada

Health, Education, and Welfare Department

See Education Office; National Institute of Education; Social Security Administration.

Housing and Urban Development Department

See also Community Planning and Development, Office of Assistant Secretary; Federal Disaster Assistance Administration; Federal Housing Commissioner—Office of Assistant Secretary for Housing.

RULES

Low income housing:

22678 Public housing program development phase; clarifications and amendments

PROPOSED RULES

22652 College housing; 1979 FY program

Low-income housing:

22472 Demolition of structures or disposition of real property, PHA-owned projects; extension of time
22472 Energy audits and energy conservation measures; individual metering of utilities; extension of time
22472 PHA-owned or leased projects; maintenance and operation, utilities allowance; extension of time

NOTICES

Committees; establishment, renewals, terminations, etc.:

22518 Mobile Home National Advisory Council; annual review; inquiry

Interior Department

See Fish and Wildlife Service; Geological Survey; Land Management Bureau; Reclamation Bureau.

International Trade Commission**NOTICES**

Determination and order:

22523 Doxycycline

22603 Meetings; Sunshine Act

Interstate Commerce Commission**NOTICES**

Hearing assignments

22552 Motor carriers:

22552 Permanent authority applications

22560 Permanent authority applications; correction (2 documents)

Railroad services abandonment:

22560 Chicago & North Western Transportation Co.

22596 Petaluma & Santa Rosa Railroad Co.

22598 St. Joseph & Grand Island Railroad Co.

22570 Southern Pacific Transportation Co.

Justice Department

See also Law Enforcement Assistance Administration.

NOTICES

Pollution control; consent judgments; U.S. versus listed companies, etc.:

22524 General Services Administration; operation of coal-fired boilers in District of Columbia

Land Management Bureau**NOTICES**

Alaska native selections; applications, etc.:

22521 Cook Inlet Region, Inc.

Wilderness areas; characteristics, inventories, etc.:

22521 California; extension of effective date

Law Enforcement Assistance Administration**NOTICES**

22524 Discretionary grant programs guide, 1979 FY; arson control assistance program development

Grants solicitation, competitive research:

22525 Evaluation of antisera and accompanying

22525 serological methods for dried blood typing

22525 National Criminal Justice Executive Training

Program

22524 Major white collar crime program

Meetings:

22524 Criminal Justice National Minority Advisory Council

Legal Services Corporation**PROPOSED RULES**

Nondiscrimination:

22462 Handicapped in federally-assisted programs

NOTICES

Meetings; Sunshine Act

22603 Property management program; instructions to recipients of funds
22525

Management and Budget Office**NOTICES**

22531 Agency forms under review

- Materials Transportation Bureau**
RULES
 Hazardous materials:
 22466 Label and placard colors on packaging; correction
- National Institute of Education**
RULES
 Grant programs:
 22660 Research on law and government studies in education; interim rules
- National Oceanic and Atmospheric Administration**
NOTICES
 Meetings:
 22502 Mid-Atlantic Fishery Management Council
 22503 Western Pacific Fishery Management Council
- National Science Foundation**
NOTICES
 22527 Advisory committee reports; availability (2 documents)
 Meetings:
 22526 Atmospheric Sciences Advisory Committee
 22528 Materials Research Advisory Committee
 22526 Ocean Sciences Advisory Committee
 22527 Post-International Phase of Ocean Drilling Science Advisory Committee
- Navy Department**
RULES
 22455 Missing Persons Act implementation; organizational name changes, etc.
 Navigation:
 22455 USS Nassau; compliance with COLREGS; exemption
NOTICES
 Patent licenses, exclusive:
 22504 Western Instrument Corp.
- Nuclear Regulatory Commission**
NOTICES
 Applications, etc.:
 22528, 22529 Carolina Power & Light Co. (2 documents)
 22529 Commonwealth Edison Co.
 22529, 22530 Consumers Power Co. (2 documents)
 22528 General Electric et al.
 22530 Sacramento Municipal Utility District
 22531 Texas Utilities Generating Co. et al.
 Meetings:
 22530 Nuclear Power Plant Construction During Adjudication Advisory Committee
 22603 Meetings; Sunshine Act
- Patent and Trademark Office**
PROPOSED RULES
 Trademark cases:
 22478 Compulsory counterclaims in opposition and cancellation proceedings
- Pension Benefit Guaranty Corporation**
RULES
 22453 Plan benefits valuation; rates and factors
- Postal Rate Commission**
PROPOSED RULES
 Practice rules:
 22479 "In camera" orders; procedures
- Reclamation Bureau**
NOTICES
 22522 Contract negotiations; East Yolo Community Services District, Calif.; inquiry
- Securities and Exchange Commission**
NOTICES
 Hearings, etc.:
 22533 Columbia Gas System, Inc.
 22536 Consolidated Natural Gas Co. et al.
 22534 General Public Utilities Corp.
 22534 Massachusetts Mutual Life Insurance Co. et al.
 22537 West Texas Utilities Co.
 Self-regulatory organizations; proposed rule changes:
 22533 American Stock Exchange, Inc.
 22533 Boston Stock Exchange
- Small Business Administration**
NOTICES
 Disaster areas:
 22538 California
 22538 Nebraska
 Meetings, advisory councils:
 22539 Syracuse
- Social Security Administration**
RULES
 Old-age, survivors, and disability insurance; and supplemental security income for the aged, blind, and disabled:
 22444 Disability determinations; gainful activity guidelines; interim; inquiry; correction
- State Department**
See also Agency for International Development.
NOTICES
 International conferences:
 22539 Private sector representatives on U.S. delegations
 Meetings:
 22542 Private International Law Advisory committee
- Transportation Department**
See Coast Guard; Federal Aviation Administration; Materials Transportation Bureau.
- Transportation Policy Study, National Commission**
NOTICES
 22531 Meetings
- Travel Service**
NOTICES
 Meetings:
 22503 Travel Advisory board
- Treasury Department**
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Fiscal Service.
- World Hunger, Presidential Commission On**
NOTICES
 22532 Meetings

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR		Proposed Rules:	
928.....	22433	65 (2 documents).....	22480,
1980.....	22433		22481
10 CFR		41 CFR	
Proposed Rules:		101-20.....	22465
420.....	22608	45 CFR	
440.....	22608	1495.....	22660
12 CFR		Proposed Rules:	
Proposed Rules:		130.....	22482
526.....	22469	1624.....	22482
14 CFR		46 CFR	
39 (2 documents).....	22439,	Proposed Rules:	
	22440	Ch. IV.....	22487
73.....	22442	47 CFR	
Proposed Rules:		97.....	22466
23.....	22656	49 CFR	
25.....	22656	172.....	22466
71.....	22471	50 CFR	
135.....	22656	26.....	22467
16 CFR			
456.....	22442		
Proposed Rules:			
13 (3 documents).....	22488,		
	22491, 22494		
450.....	22497		
1307.....	22497		
20 CFR			
404.....	22444		
416.....	22444		
24 CFR			
200.....	22444		
570 (2 documents).....	22453,		
	22648		
841.....	22678		
Proposed Rules:			
279.....	22652		
570.....	22682		
600.....	22666		
865 (2 documents).....	22472		
870.....	22472		
27 CFR			
Proposed Rules:			
231.....	22473		
240.....	22473		
29 CFR			
2610.....	22453		
32 CFR			
706.....	22455		
718.....	22455		
33 CFR			
80.....	22456		
82.....	22457		
95.....	22456		
Proposed Rules:			
153.....	22476		
161.....	22476		
164.....	22686		
37 CFR			
Proposed Rules:			
2.....	22478		
39 CFR			
Proposed Rules:			
3001.....	22479		
40 CFR			
65 (3 documents).....	22458,		
	22460, 22461		
407.....	22463		

Rules and Regulations

Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

Papayas Grown in Hawaii; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment continues relaxed quality requirements during the period May 1 through July 31, 1979, for shipments of Hawaiian papayas. Papayas for export and intrastate shipments must grade at least Hawaii No. 1, except that allowable tolerances for defects may total 10 percent. Such action recognizes the current and prospective marketing situation for Hawaiian papayas and is consistent with the composition of the crop.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This amendment is issued under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act. This amendment has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee reports recent heavy rains and flooding in the production area has reduced available supplies and increased quality problems which has

caused additional loss of trees and fruit. Estimates indicate losses of up to 20 percent of the 1979 crop. Therefore, the committee has recommended that the current requirements for papayas for export and intrastate shipments of Hawaii No. 1 with allowable tolerance for defects of 10 percent (including not more than 5 percent for serious damage, 1 percent for immature fruit, and 1 percent for decay), set to expire on April 30, 1979, be extended through July 31, 1979. The amendment would increase supplies available to meet strong current demand and would permit growers to market a larger proportion of the remaining crop.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas grown in Hawaii.

In § 928.309 (Papaya Regulation 9; 44 R.R. 30, 3669, 6706, 12606) paragraphs (b) and (c) are amended to read as follows:

§ 928.309 Papaya Regulation 9.

(a) * * *

(1) * * *

(2) * * *

(b) Notwithstanding the provisions of paragraph (a)(2) of this section, any handler may during the period May 1 through July 31, 1979, handle papayas to any export destination which meet the requirements of the Hawaii No. 1 grade, except that allowable tolerances for defects may total 10 percent: *Provided*, That not more than 5 percent shall be for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided further*, That such papayas shall individually weigh not less than 11 ounces each.

(c) Notwithstanding the provisions of paragraph (a)(1) of this section, any handler may during the period May 1 through July 31, 1979, handle papayas to any destination within the production area which meet the requirements of

Hawaii No. 1 grade, except that allowable tolerances for defects may total 10 percent: *Provided*, That not more than 5 percent shall be for serious damage, of which not more than 1 percent shall be for immature fruit, and not more than 1 percent shall be for decay: *Provided further*, That such papayas shall individually weigh not less than 13 ounces each.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 11, 1979.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[Papaya Reg. 9, Amdt. 4]

[FR Doc. 79-11790 Filed 4-13-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1980

Guaranteed Loan Programs; Implementation of Data Collection System

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its guaranteed loan regulations. The intended effect of this action is to implement a data collection system for the guaranteed loan programs. This action is required for the implementation of FmHA's new computer system which will utilize the internally processed forms information as a data base.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Holm (202) 447-6568.

SUPPLEMENTARY INFORMATION: Various sections of Subparts A, B, C, D, E, and F of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations are amended. These amendments are needed to implement a data collection system for the guaranteed loan programs. Specific forms have been devised for the data collection replacing the broad requirements previously in existence. When the computer system is fully operational, it will supply status reports

to aid in the management and supervision of FmHA programs. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since they are internal administrative changes, and therefore, public participation is unnecessary. This determination was made by Mr. Darryl Evans, Loan Specialist. Accordingly, Part 1980 of Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

Subpart A—General

1. Sections 1980.61(f), 1980.63, 1980.83, and Appendix B of Subpart A of Part 1980 are amended as follows

§ 1980.61 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

(f) *Payment of guarantee fee.* The lender will prepare and deliver a Form FmHA 1980-19, "Guaranteed Loan Closing Report," for each loan to be guaranteed and deliver the guarantee fee to the FmHA representative who concurrently delivers the Loan Note Guarantee(s).

§ 1980.63 Defaults by borrower.

Refer to paragraph XI of Form FmHA 449-35. FmHA may be required to purchase the guaranteed portion of a loan(s) from holder(s) in the event of default or servicing problems. The County Supervisor will coordinate any requests from holder(s) located in close proximity to the local lender. If several holders are located outside the area, the State Director will handle the transaction and notify the County Supervisor. The County Supervisor will prepare a Form FmHA 1980-37, "FmHA Purchase of a Guaranteed Loan Portion," for each holder(s) and follow the processing procedures outlined in the FMI.

§ 1980.83 FmHA forms.

(a) *FmHA forms incorporated in this regulation.* Forms FmHA 449-34, "Loan Note Guarantee," FmHA 449-35, "Lender's Agreement," and FmHA 449-36, "Assignment Guarantee Agreement," are incorporated in this Subpart A, made a part hereof, and appear as appendixes A, B and C in the **Federal Register**. Copies of the forms may be obtained from any FmHA office.

(b) *FmHA forms used for processing and servicing guaranteed loans under the Unified Management Information System (UMIS).* The following FmHA forms are used in processing and servicing guaranteed loans under UMIS. This does not include all FmHA forms that are part of the guaranteed loan application which are referenced in this

Subpart or appropriate program Subparts. Refer to appropriate FmHA program representatives, the Forms Manual Inserts, and directions printed on the form for specific details concerning completion of the forms, number of copies, and distribution. Copies of forms may be obtained from any FmHA office.

FmHA Form No.	Title of Form	Purpose and Code*
1980-7	Notice of Transfer and Assumption of a Guaranteed Loan	Record a transfer and assumption of a guaranteed loan from one borrower to another. ¹
1980-19	Guaranteed Loan Closing Report	Used to pay guarantee fee and establish guarantee loan account. ²
1980-24	Request Subsidy Payment to Guaranteed Loan Lender	Request subsidy payment. ³
1980-37	FmHA Purchase of a Guaranteed Loan Portion	Used to purchase guaranteed portion of loan. ¹
1980-41	Guaranteed Loan Status Report	Used to update FmHA records of outstanding balances of guaranteed loans. ³
1980-42	Notice of Substitution of Lenders	Used to change FmHA records of lenders. ¹
1980-43	Lender's Guaranteed Loan Payment to FmHA	Used by lender to transmit payment due FmHA as a holder. ³
1980-44	Guaranteed Loan Borrower Default Status	Used by lender to inform FmHA of borrower default. ³
1980-45	Notice of Liquidation Responsibility	Used by FmHA to indicate to Finance Office liquidation responsibility. ¹
1980-46	Report of Liquidation Expense	Used by FmHA to pay liquidation costs or appraisal fees. ¹
1980-47	Guaranteed Loan Borrower Adjustments	Used by FmHA to adjust guaranteed loan borrower's account. ¹
1980-49	Guaranteed Loan Status Update Adjustment	Used by FmHA to update status elements on guaranteed loan and to adjust subsidy claims. ¹
1980-50	Add, Delete, or Change Guaranteed Loan Borrower Information	Used by FmHA to update Guaranteed loan borrower account information. ¹
1980-51	Add, Change, or Delete Guaranteed Loan Record	Used by FmHA to update borrower loan record information. ¹
1980-52	Report Request	Used by FmHA to request reports on guaranteed loans. ¹
449-30	Loan Note Guarantee Report of Loss	Used to claim reimbursement for losses. ²

*Code:

¹ FmHA use only.

² FmHA and Lender use.

³ Lender use only.

Appendix B—Form FmHA 449-35, Lender's Agreement

X. Servicing

C. Lender's servicing responsibilities include, but are not limited to:

10. Providing FmHA Finance Office with loan status reports semiannually as of June 30 and December 31 on Form FmHA 1980-41, "Guaranteed Loan Status Report."

XI. Defaults by Borrower

A. The Lender will notify FmHA when a borrower is thirty (30) days past due on a payment and is unlikely to bring its account current within sixty (60) days, or if the borrower has not met its responsibilities of providing the required financial statements to the lender or is otherwise in default. The lender will notify FmHA of the status of a borrower's default on Form FmHA 1980-44, "Guaranteed Loan Borrower Default Status." A meeting will be arranged by the lender with the borrower and FmHA to resolve the problem. Actions taken by the lender with concurrence of FmHA may include but are not limited to the following or any combination thereof:

XII. Liquidation

D. *Liquidation: Accounting and Reports.* When the lender conducts the liquidation, it will account for funds during the period of liquidation and will provide FmHA with periodic reports on the progress of liquidation, disposition of collateral, resulting costs, and additional procedures necessary for successful completion of liquidation. The lender will transmit to FmHA any payments received from the borrower and/or pro-rata share of liquidation or other proceeds, etc. when FmHA is the holder of a portion of the guaranteed loan using Form FmHA 1980-43, "Lender's Guaranteed Loan Payment to FmHA." When FmHA liquidates, the lender will be provided with similar reports on request.

Subpart B—Farmer Program Loans

2. Sections 1980.110(b) and (c), 1980.115 Administrative A 2, 1980.119 Administrative B, F, and G; 1980.123 Administrative C; 1980.145 Administrative C; and 1980.146 Administrative B of Subpart B of Part 1980 are amended as follows:

§ 1980.110 Loan subsidy rates, claims and payments.

(b) *Subsidy payments.* Loan subsidy payments will be calculated by FmHA using a 360 or 365 day year method on a declining balance. The lender will indicate on Form FmHA 1980-19, "Guaranteed Loan Closing Report," the preferred method which, once established, cannot be changed.

(c) *Annual subsidy claims and payments.* The initial subsidy claim will be prepared by the lender using Form FmHA 1980-24, "Request Subsidy Payment to Guaranteed Loan Lender," on or about a date 12 months from the date of the note. The original will be mailed by the lender to the Finance Office with a copy to the appropriate County Supervisor. Subsequent subsidy claims will be filed by the lender on or about a date 12 months thereafter but no later than the anniversary date of the filing of the initial subsidy claim. The Finance Office will mail the loan subsidy payment to the lender within 10 days after receipt of the claim. Upon full payment of a note the lender will immediately prepare Form FmHA 1980-24 and mail a copy to the County Supervisor and the original to the Finance Office.

§ 1980.115 County committee review.

Administrative

A. After County Committee certification is obtained, the County Supervisor will:

2. Prepare Form FmHA 440-1, "Request for Obligation of Funds," and, for initial loans only, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," in accordance with the Forms Manual Insert (FMI). If the loan is within the County Supervisor's approval authority, execute Form FmHA 440-1 and distribute the copies in accordance with the FMI. The Finance Office will obligate funds and notify the County Supervisor by forwarding the original and one copy of Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request."

§ 1980.119 Substitution of loan note guarantee for contract of guarantee issued.

Administrative

B. Review the submitted request and, if in order, send the guarantee fee and Form FmHA 1980-19 to the Finance Office with a notation of the date the new Loan Note Guarantee will be issued. (Note: The substitution of a Loan Note Guarantee for the Contract of Guarantee is not to be considered as a new loan for record keeping purposes.)

F. Transmit to the lender the original Loan Note Guarantee and an executed copy of the Lender's Agreement. Retain in the loan file copies of the Loan Note Guarantee with attached original cancelled Contract of Guarantee, copy of Form FmHA 1980-19, and the original Lender's Agreement.

G. Forward the lender's guarantee fee check and the original of Form FmHA 1980-19 to the Finance Office. A copy of Form FmHA 1980-19 will be retained in the the FmHA loan file.

§ 1980.123 Transfer and assumption of farmer program loans.

Administrative

C. A copy of the Assumption Agreement will be retained in the County Office file. The County Supervisor will notify the Finance Office of all approved transfer and assumption cases so that Finance Office records may be adjusted accordingly. This will be accomplished by sending completed Forms FmHA 1980-7, "Notice of Transfer and Assumption of a Guaranteed Loan," FmHA 1980-51, "Add, Change, or Delete Guaranteed Loan Record," and for new borrowers FmHA 1980-50 to the Finance Office.

§ 1980.145 Defaults by borrower.

Administrative

C. In the event of default or servicing problems, the County Supervisor will use Form FmHA 1980-37, "FmHA Purchase of Guaranteed Loan Portion," to request a check to pay the guaranteed portion of a loan(s) to the holder(s) when necessary. The Finance Office will forward the check within 10 days after receipt of the request.

§ 1980.146 Liquidation.

Administrative

B. Form FmHA 449-35, paragraph XII B. FmHA will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan is not likely to provide for a reasonably adequate recovery. The County Supervisor will approve lender liquidation plans or exercise the FmHA option to liquidate. The District Director or State Office may be consulted on complex cases for advice if necessary. When such a decision is made, submit Form FmHA 1980-45, "Notice of Liquidation Responsibility," to the Finance Office.

§ 1980.130 [Amended]

3. Administrative B 6 of Subpart B of Part 1980 is deleted and Administrative B 7 is renumbered to 6 without change.

Subpart C—Emergency Livestock Loans

4. Sections 1980.247 Administrative B 2, 1980.251 Administrative D, 1980.260, 1980.278 Administrative C, and 1980.283 Administrative B of Subpart C of Part 1980 are revised as follows:

§ 1980.247 FmHA evaluation of application

Administrative

B.

2. Prepare and distribute Form FmHA 440-1, "Request for Obligation of Funds," and Form FmHA 449-31, "Emergency Livestock Loan Analysis," and for initial loans only, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," in accordance with the Forms Manual Inserts (FMI). Form FmHA 440-1 should be prepared and funds obligated in the same fiscal year as Form FmHA 449-14 or Form FmHA 1980-15. The Finance Office will obligate funds and so notify the County Supervisor by forwarding the original and one copy of Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request." Unless the County Supervisor has received notice that EL funds are not available, the lender will immediately be notified by providing a copy of Form

FmHA 449-14 or Form FmHA 1980-15. The County Supervisor will record the actual date of lender notification on the remaining copy of Form FmHA 440-1 and make such copy a permanent part of the County Office loan file.

§ 1980.251 Issuance of guarantee instruments.

Administrative

D. The County Supervisor and the lender complete Form FmHA 1980-19, "Guaranteed Loan Closing Report," execute the original, and conform 2 copies. This will be done on the same date the guarantee instrument is executed. The original will be sent to the Finance Office, a copy transmitted to the lender and a copy retained in the County Office file.

§ 1980.260 Substitution of lenders.

With prior written approval of the FmHA State Director a new eligible lender may be substituted for the original lender provided the new lender agrees to assume all servicing responsibilities and acquires legal title to the unguaranteed portion of the loan. In Loan Note Guarantee cases, such substitution may be made without the holder's consent but not without notice to the holder(s) by the substituted lender. The new lender will execute Form FmHA 449-35 for Loan Note Guarantee cases or Form FmHA 1980-38 for Contract of Guarantee cases at the same time as the substitution. After approval of the new lender, Form FmHA 1980-42, "Notice of Substitution of Lenders," will be completed by the FmHA servicing representative and mailed to the Finance Office.

§ 1980.278 Transfer and assumption of loans.

Administrative

C. A copy of the Assumption Agreement will be retained in the County Office file. The County Supervisor will notify the Finance Office of all approved Transfer and Assumption cases so that Finance Office records may be adjusted accordingly. This will be accomplished by sending completed Forms FmHA 1980-7, "Notice of Transfer and Assumption of a Guaranteed Loan," FmHA 1980-51, "Add, Change, or Delete Guaranteed Loan Record," and for new borrowers FmHA 1980-50 to the Finance Office.

§ 1980.283 Liquidation.

Administrative

B. Form FmHA 449-35 or Form FmHA 1980-38, paragraphs XII B or XI B, respectively. FmHA will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan will likely not result in maximum recovery. District Directors are authorized to approve lender liquidation plans or exercise the FmHA option to liquidate. When such a decision is made, submit Form FmHA 1980-45, "Notice of Liquidation Responsibility," to the Finance Office.

§ 1980.251 [Amended]

5. Section 1980.251 Administrative F of Subpart C of Part 1980 is deleted and G is renumbered to F without change.

§§ 1980.269 and 1980.272 [Amended]

6. In sections 1980.269(c) and 1980.272(b) of Subpart C of Part 1980 change the reference from "Form FmHA 449-31" to "Form FmHA 1980-19."

§ 1980.279 [Amended]

7. Section 1980.279 Administrative B 6 and 7 of Subpart C of Part 1980 are deleted.

Appendix IX A [Amended]

8. In Appendix A of Subpart C of Part 1980 add the following to the listing of forms following Form FmHA 449-34, "Loan Note Guarantee":

1980-50	Add, Delete or Change Guaranteed Loan Borrower Information.	3	FmHA-O.....	O-FC, C—FmHA County Office, C—Originator
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9. In Appendix A of Subpart C of Part 1980 add the following to the listing of forms following Form FmHA 449-30, "Loan Note Guarantee Report of Loss":

1980-19	Guaranteed Loan Closing Report.	3	L & FmHA-O.....	O-FC, C-L, C—FmHA County Office
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Subpart D—Rural Housing Program Loans

10. Sections 1980.304 Administrative, 1980.332 Administrative A, 1980.335 Administrative F, and 1980.343 Administrative B (2) of Subpart D of Part 1980 are amended as follows:

§ 1980.304 Lenders.

Administrative

A. The State Director is authorized to make lender eligibility determinations for RH loan guarantees in accordance with this Section and § 1980.13 of Subpart A of this Part. The State Director will submit the lender's application and the proposed eligibility notification to the National Office for review and comment before notifying the lender of the eligibility determination.

B. With prior written approval of the FmHA National Office, a new eligible lender may be substituted for the original lender provided the new lender agrees to assume all original requirements including all liabilities, servicing responsibilities and acquiring legal title to the unguaranteed portion of the loan. Such approval will be granted by the National Office only when a lender discontinues lending operations or in other extreme situations requiring a substitution of lender. If approved by the National Office, the State Director will submit to the Finance Office Form FmHA 1980-42, "Notice of Substitution of Lenders."

§ 1980.332 FmHA evaluation of applications.

Administrative

A. When FmHA determines it is able to guarantee the requested loan, the County Supervisor will prepare Form FmHA 440-1 and, for initial loans only, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," in accordance with the Forms Manual Inserts (FMI). The County Supervisor, except for the last 45 days in the fiscal year (FY), will then contact the State Office by phone and request verbal authorization to immediately issue Form FmHA 449-14 to the lender. If the requested authorization is given, the County supervisor will complete Form FmHA 449-14, listing all requirements for such guarantee, sign the form, and forward the original and one copy to the lender. The County Supervisor will record the actual date of lender notification on the remaining copy of Form FmHA 440-1 and make such copy a permanent part of the County Office loan file. A copy of Form FmHA 440-1 will, in all cases, be mailed to the lender at the same time the form is mailed to the finance Office for obligation of funding authority. The Finance Office, upon receipt of Form FmHA 440-1, will obligate guarantee authority and forward the original and one copy of Form FmHA 440-57 to the County Office. During the last 45 days of each FY and in all other cases when the State Office

declines phone authorization, the County Supervisor will not issue Form FmHA 449-14 until the Form FmHA 440-1 has been mailed to the Finance Office and lender and Form FmHA 440-57 is received from the Finance Office indicating that guarantee authority has been obligated for the requested loan. Under no circumstances will the County Office phone the Finance Office for authorization to issue a Form FmHA 449-14.

§ 1980.335 Issuance of lender's agreement, loan note guarantee, and assignment guarantee agreement.

Administrative

F. See § 1980.61 (f). The County Supervisor will:

1. Review Form FmHA 1980-19, "Guaranteed Loan Closing Report," for completeness.
2. Forward the guarantee fee and original Form FmHA 1980-19 to Finance Office.
3. Retain in the County Office loan file the original of Form FmHA 449-35 and copies of Form FmHA 1980-19, Form FmHA 449-34, and Form FmHA 449-36, "Assignment Guarantee Agreement".

§ 1980.343 Eligible transferee—Full assumption.

Administrative

B. Conformed copies—sent to and checked by FmHA County Supervisor.

(2) If the County Supervisor finds the material to be in proper order, either before or after correction, the County supervisor will notify Finance Office with Form FmHA 1980-7, "Notice of Transfer and Assumption of a Guaranteed Loan," and Form FmHA 1980-51, "Add, Change, or Delete Guaranteed Loan Record," and for new borrowers, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," in order that the Finance Office records may be adjusted accordingly.

Subpart E—Business and Industrial Loans

11. Sections 1980.419 Administrative; 1980.424 Administrative A 5; 1980.452 Administrative D 5 and 5 a; 1980.461 Administrative E 6, G 1 and 6, and H; 1980.471 Administrative B; and 1980.476 Administrative B of Subpart E of Part 1980 are amended as follows:

§ 1980.419 Eligible lenders.

Administrative

A. Par. (a) of Subpart A, § 1980.13 requires National Office approval for any variations.

B. Par. (b)(2), (h) of Subpart A, § 1980.13, State Director submits information to National Office with recommendations.

C. With prior written approval of the FmHA National Office, a new-eligible lender may be substituted for the original lender provided the new lender agrees to assume all original loan requirements including liabilities, servicing responsibilities, and acquiring legal title to the unguaranteed portion of the loan. Such approval will be granted by the National Office only when a lender discontinues lending operations or other extreme situations requiring a substitution of lender. If approved by the National Office, the State Director will submit to the Finance Office Form FmHA 1980-42, "Notice of Substitution of Lender."

§ 1980.424 Terms of loan repayment.

Administrative

A. * * *

5. Only one Form FmHA 449-14, 440-1, "Request for Obligation of Funds," 449-35, and 1980-19, "Guaranteed Loan Closing Report," is used.

§ 1980.452 FmHA evaluation of application.

Administrative

D. * * *

5. The State Director will prepare an original and two copies of Form FmHA 440-1 for each loan to be obligated. Also, for each initial loan, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," will be prepared. The State Director will sign the original and one copy and conform the second copy. Form FmHA 440-1 will not be mailed to the Finance Office. Notice of approval to applicant or lender will be accomplished by providing or sending the applicant or lender the signed copy of Form FmHA 440-1 by obligation date and Form FmHA 449-14, unless the National Office has given prior authorization to the State Director to forward Form FmHA 440-1 to the applicant or lender in advance of issuance of Form FmHA 449-14. The State Director or designee will record the actual date of applicant notification on the original of the Form FmHA 440-1 and retain the original of the form as a permanent part of the County Office case file. The State Director may retain the remaining conformed copy of Form FmHA 440-1. The State Director or designee will telephone the Finance Office Check Request Station requesting that the loan funds for a particular project be obligated. For initial loans only Form FmHA 1980-50 will be prepared and

distributed in accordance with the Forms Manual Insert (FMI).

a. Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in rejection of the request for obligation. After the security code is furnished, all pertinent information contained on Form FmHA 440-1 will be furnished to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of the request.

§ 1980.461 Issuance of lender's agreement, loan note guarantee, and assignment guarantee agreement.

Administrative

E. The Registered Holder will transmit to the County Supervisor:

6. Executed Form FmHA 1980-19 (See § 1980.21 of Subpart A for calculation of fee due).

G. State Director will:

1. Verify the submitted request and if in order, send the guarantee fee and Form FmHA 1980-19 to Finance Office with a notation of the date the new Loan Note Guarantee will be issued. (Note.—The substitution of a Loan Note Guarantee for the Contract of Guarantee is not to be considered as a new loan for record keeping purposes).

6. State Director may retain for the State Director's file copies of the Loan Note Guarantee, Lender's Agreement, and Form FmHA 1980-19.

H. County Supervisor: Will then transmit to the Lender the original Loan Note Guarantee, and a copy of executed Lender's Agreement and retain in the loan file copies of the Loan Note Guarantee with attached original cancelled Contract of Guarantee, a copy of Form FmHA 1980-19 and the original lender's agreement.

All applicable provisions of this Subpart and Subpart A of this Part apply to the loan when the Loan Note Guarantee is signed.

§ 1980.471 Liquidation.

Administrative

B. Paragraph XII B of the Lender's Agreement. FmHA will exercise the option to liquidate only when there is reason to believe the Lender's liquidation plan is not likely to result in maximum recovery. In such instances the State Director will send to the Finance Office, Form FmHA 1980-45, "Notice of Liquidation Responsibility." State

Directors are authorized to approve Lender liquidation plans or exercise the FmHA option to liquidate when the outstanding guarantee is not in excess of their loan approval authority. All other proposals for liquidation will be submitted to the National Office.

§ 1980.476 Transfer and assumptions.

Administrative

B. A copy of the Assumption Agreement will be retained in the County Office file. The State Director will notify Finance Office of all approved Transfer and Assumption Cases on Form FmHA 1980-7, "Notice of Transfer and Assumption of a Guaranteed Loan," and submit Form FmHA 1980-50 for all new borrowers and Form FmHA 1980-51, "Add, Change, or Delete Guaranteed Loan Record," in order that Finance records may be adjusted accordingly.

12. In sections 1980.424 Administrative B 4 and 1980.461 Administrative N 1, 2, and 3 change the form number of 449-19 to 1980-19.

13. Section 1980.469 Administrative F 3 is deleted and F 4, 5, and 6 are renumbered to 3, 4, and 5 respectively without change.

Subpart F—Economic Emergency Loans

14. Sections 1980.513 Administrative A 2, 1980.549 Administrative D, 1980.559, 1980.577 Administrative C, 1980.582 Administrative B, and Appendix C of Subpart F of Part 1980 are amended as follows:

§ 1980.513 County committee review.

Administrative

A. *

2. Prepare and distribute Form FmHA 440-1, "Request for Obligation of Funds," and Form FmHA 1940-37, "Economic Emergency Loan Analysis," and, for initial loans only, Form FmHA 1980-50, "Add, Delete, or Change Guaranteed Loan Borrower Information," in accordance with the Forms Manual Insert (FMI). Form FmHA 440-1 should be prepared and funds obligated in the same fiscal year as Form FmHA 449-14 or Form FmHA 1980-15. The Finance Office will obligate funds and so notify the County Supervisor by forwarding the original and one copy of Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request." Unless the County Supervisor has received notice that EE funds are not available, the lender will immediately be notified by providing a copy of Form FmHA 449-14 or Form FmHA 1980-15. The County Supervisor will record the actual date of lender notification on the remaining copy

of form FmHA 440-1 and make such copy a permanent part of the County Office loan file.

§ 1980.549 Issuance of guarantee instruments.

Administrative

D. The County Supervisor and lender complete Form FmHA 1980-19, "Guaranteed Loan Closing Report," execute the original, and conform 2 copies. This will be done on the same date the guarantee instrument is executed. The original will be sent to the Finance Office, a copy transmitted to the lender and a copy retained in the County Office file.

§ 1980.559 Substitution of lenders.

With prior written approval of the FmHA State Director, a new eligible lender may be substituted for the original lender provided the new lender agrees to assume all servicing responsibilities and acquires legal title to the unguaranteed portion of the loan. In Loan Note Guarantee cases, such substitution may be made without the holder's consent but not without notice to the holders by the substituted lender. The new lender will execute Form FmHA 449-35 or Form FmHA 1980-38 at the same time as the substitution. After approval of the new lender, Form FmHA 1980-42, "Notice of Substitution of Lenders," will be completed by the FmHA servicing representative and mailed to the FmHA Finance Office.

§ 1980.577 Transfer and assumption of loans.

Administrative

C. A copy of the Assumption Agreement will be retained in the County Office file. The County Supervisor will notify the Finance Office of all approved Transfer and Assumption cases so that Finance Office records may be adjusted accordingly. This will be accomplished by sending completed Forms FmHA 1980-7, "Notice of Transfer and Assumption of a Guaranteed Loan," FmHA 1980-51, "Add, Change, or Delete Guaranteed Loan Record," and for new borrowers FmHA 1980-50 to the Finance Office.

§ 1980.582 Liquidation.

Administrative

B. Form FmHA 449-35, or form FmHA 1980-38, paragraphs XII B or XI B respectively. FmHA will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan will not

likely result in maximum recovery. District Directors are authorized to approve lender liquidation plans or exercise the FmHA option to liquidate. When such a decision is made, submit Form FmHA 1980-45, "Notice of Liquidation Responsibility," to the Finance Office.

Appendix C—Lender's Agreement (Emergency Livestock Loan or Economic Emergency Loan Contract of Guarantee)

IX. Servicing

C. *

10. Providing FmHA Finance Office with loan status reports semiannually as of June 30 and December 31 on Form FmHA 1980-41, "Guaranteed Loan Status Report."

X. Defaults by Borrower

A. The lender will notify FmHA when a borrower is thirty (30) days past due on a payment and is unlikely to bring its account current within sixty (60) days, or if the borrower has not met its responsibilities of providing the required financial statements to the lender or is otherwise in default. The lender will notify FmHA of the status of a borrower's default on Form FmHA 1980-44, "Guaranteed Loan Borrower Default Status." A meeting will be arranged by the lender with the borrower and FmHA to resolve the problem. Actions taken by the Lender with concurrence of FmHA may include but are not limited to any curative actions contained in either Subpart C or F of Part 1980, as applicable or liquidation.

XI. Liquidation

D. *Liquidation: Accounting and Reports.* When the lender conducts the liquidation, it will account for funds during the period of liquidation and will provide FmHA with periodic reports on the progress of liquidation, disposition of collateral, resulting costs, and additional procedures necessary for successful completion of liquidation. The lender will transmit to FmHA any payments received from the borrower and/or pro-rata share of liquidation or other proceeds, etc. When FmHA is the holder of a portion of the guaranteed loan using Form FmHA 1980-43, "Lender's Guaranteed Loan Payment to FmHA." When FmHA liquidates, the lender will be provided with similar reports on request.

§ 1980.578 [Amended]

15. Section 1980.578 Administrative B 6 and 7 of Subpart F of Part 1980 are deleted.

Appendix A [Amended]

16. In Appendix A of Subpart F of Part 1980 add the following to the listing of

forms following form FmHA 449-34,

"Loan Note Guarantee":

1980-50	Add, Delete, or Change Guaranteed Loan Borrower Information.	3	FmHA-O.....	O-FC, C—FmHA County Office, C—Originator.
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17. In Appendix A of Subpart F of Part 1980 add the following to the listing of forms following form FmHA 449-30, "Loan Note Guarantee Report of Loss."

1980-19	Guaranteed Loan Closing Report.	3	L & FmHA-O	O-FC, C-L, C—FmHA County Office.
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This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Policy Act of 1969, Public Law 91-190 an Environmental Impact Statement is not required.

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044.

A copy of the Impact Analysis prepared by FmHA is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, DC 20250.

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Dated: March 16, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.
[FR Doc. 79-11367 Filed 4-13-79; 8:45 a.m.]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Gates Lear Jet Models 35, 35A, 36 and 36A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) applicable to Gates Lear Jet Models 35, 35A, 36 and 36A airplanes equipped with Aeronca thrust reversers. The AD requires insertion of a temporary change in the Flight Manual Supplement for Aeronca thrust reversers which adds

limitations and operational changes to preclude inadvertent thrust reverser deployment.

EFFECTIVE DATE: April 19, 1979.

FOR FURTHER INFORMATION CONTACT: Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3146.

SUPPLEMENTARY INFORMATION: An unintentional deployment of the Aeronca thrust reverser occurred on a Gates Lear Jet Model 35A airplane during takeoff due to a malfunction of the thrust reverser sequence latch. Components of the thrust reverser were torn from the exhaust cone and separated from the aircraft. This occurrence may cause reverse thrust to be developed by one engine and have an adverse effect on the airplane's controllability and performance during a critical phase of operation and could result in an accident. The FAA determined that this is an unsafe condition that could exist or develop in other airplanes of the same type design. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by letter dated March 1, 1979. The AD became effective as to these individuals upon receipt of this letter. Since the unsafe condition described herein may still exist on other Gates Lear Jet Models 35, 35A, 36 and 36A airplanes equipped with Aeronca thrust reversers, the AD is being published in the Federal Register as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

GATES LEAR JET: Applies to Models 35, 35A, 36 and 36A airplanes equipped with Aeronca thrust reversers.

Compliance: Required as indicated unless already accomplished. To preclude inadvertent thrust reverser deployment and possible loss of aircraft control, prior to next flight accomplish the following:

(A) Insert in the Aeronca Thrust Reverser Supplement to the Airplane Flight Manual the FAA-approved temporary changes shown herein as Figures I, II and III or the FAA-approved Flight Manual Supplement changes (temporary or permanent) supplied by the manufacturer and containing the same information as the above figures.

(B) Operate the airplane in accordance with instructions in the Flight Manual Supplement changes specified in Paragraph "A" of this Airworthiness Directive.

(C) Airplanes may make one flight to the location where the changes to the Aeronca Thrust Reverser Supplement to the Airplane Flight Manual specified in this Airworthiness Directive are available, providing the Exterior Inspection in Figure II and Limitations in Figure I are complied with.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on April 19, 1979, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated March 1, 1979.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3146.

Issued in Kansas City, Missouri on April 3, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

Figure I

Temporary Change, Supplement for Aeronca Thrust Reversers

Aircraft Affected: All Gates Lear Jet Model 35, 36, 35A, 36A Aircraft equipped with Aeronca Thrust Reversers.

Description of Change: Add Limitations to Section I of the Aeronca Thrust reverser AFM Supplement.

Filing Instructions: Insert this page adjacent to page 2 of 23 in your Thrust Reverser Supplement and retain until further notice.

Amend Section I—Limitations by adding the following limitations:

Section I—LIMITATIONS (Cont.)

7. Thrust Reversers must not be operated prior to takeoff.

8. Thrust Reversers must not be used to control taxi speed, except after landing.

9. Thrust Reversers must not be used for touch and go landings.

10. After Thrust Reversers have been deployed, a visual check of proper door stowing must be made prior to takeoff.

11. Operational Procedures in this Thrust Reverser Supplement are mandatory.

Figure II

Temporary Change, Supplement for Aeronca Thrust Reversers

Aircraft Affected: All Gates Lear Jet Model 35, 36, 35A, 36A Aircraft equipped with Aeronca Thrust Reversers.

Description of Change: Add Thrust Reverser Operational Changes.

Filing Instructions: Insert this page adjacent to page 2 of 23 in your Thrust Reverser Supplement and retain until further notice.

Add the following EXTERIOR INSPECTION to Section II—Normal procedures exterior inspection (power-off):

A. Inspect both thrust reversers as follows:
1. Check that thrust reverser upper and lower blocker doors are completely stowed. Change before takeoff to read as follows:

CAUTION: Do not operationally check thrust reversers before takeoff.

1. Thrust Reverser Circuit Breaker—In.
2. Thrust Reverser Position Indicator Lights—Extinguished.
3. Deleted.

Note.—This Temporary Change deletes Thrust Reverser Operational Check, Before Takeoff.

Figure III

Temporary Change, Supplement for Aeronca Thrust Reversers

Aircraft Affected: All Gates Lear Jet Model 35, 36, 35A, 36A Aircraft with Aeronca Thrust Reversers.

Description of Change: Add Postflight Operational Check.

Filing Instructions: Insert this page adjacent to page 4 of 23 in your Thrust Reverser Supplement and retain until further notice.

Add the following postflight Operational Check after Normal Procedures—After Landing:

Postflight

A. Operationally check Thrust Reverser as follows:

Caution: It is recommended that the aircraft be headed into the wind during static thrust reverser ground operational check. Keep thrust reverser deployed time to a minimum to prevent possible engine reingestion of exhaust gases.

a. NORM-EMER STOW Switch—NORM, EMER STOW light extinguished.

b. Thrust Levers—IDLE

c. Thrust Reverser Levers—Pull to deploy lever stop position. UNLOCK lights will come on and then go off when DEPLOY lights come on. Check that the throttle lock releases when the DEPLOY lights illuminate.

d. NORM-EMER STOW Switch—EMER STOW, EMER STOW light illuminated. DEPLOY lights will go off when UNLOCK lights go on. UNLOCK lights will go off when system is stowed.

e. Thrust Reverser Levers—Push to stow position.

f. NORM-EMER STOW Switch—NORM, EMER-STOW lights extinguished.

g. Thrust Reverser Levers—Pull to deploy position. Check for proper light sequence.

h. Thrust Reverser Levers—Push to stow position. Check for proper light sequence.

[Docket No. 79-CE-3-AD; Amdt. 39-3447]

[FR Doc. 79-11744 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Cessna Models 120, 140, 150, 170, 172, 175, 177, 180, 182, 185, 188, 190, 195, 205, 206, 207, and 210 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to the above Cessna model airplanes, which requires the electrical wire that routes current to the optional cigar lighter to be disconnected from the ammeter or the electrical bus as applicable. The AD further requires this disconnected wire to be either properly reinstalled, or removed, or the disconnected end to be insulated and that end folded back and secured to the wire bundle in which it is routed. This action is necessary because there have been several incidents in which the wire was shorted to ground resulting in electrical failure, smoke in the cockpit, and/or fire in the wire bundle behind the instrument panel. This wire does not have a protective device, such as a fuse

or circuit breaker, that would prevent wire overheat/fire.

EFFECTIVE DATE: May 21, 1979.

COMPLIANCE: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT:

Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: On July 13, 1978, the FAA issued a proposal to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to add a new AD applicable to certain Cessna Models 120, 140, 150, 170, 172, 175, 177, 180, 182, 185, 188, 190, 195, 205, 206, 207, and 210 airplanes and published it in the Federal Register on July 24, 1978 (43 FR 31941, 31942). The proposal would require the wire to the optional cigar lighter to be disconnected at the electrical bus end and to be either removed or reconnected using a proper size circuit protection device.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. The only objection received to the issuance of the AD was from the aircraft manufacturer. Among the pertinent reasons given for its objection were:

(A) The wire from the bus to the lighter is merely an extension of the bus.

(B) The manufacturer cited test results to demonstrate that no hazard is present in installations that use circuit protection devices that are rated at currents higher than that specified for the wire used in existing lighter circuits. This test consisted of measuring the temperature rise in a 16-gauge wire while carrying 35 amps of electrical current.

(C) Civil Air Regulation (CAR) 3.690 does not require protection devices in circuits where no hazard is presented by their omission. The manufacturer supports the position that circuit protection is not required by claiming that years and thousands of hours of service experience on all of the affected airplanes in question, except for Models 177 and 177RG, substantiate that no hazard is or has been presented. Therefore, the manufacturer concludes that the AD should apply only to these two models.

(D) The manufacturer asserts that while the location of the cigar lighter on the Models 177 and 177RG is similar, it is completely different on the other models covered by the AD and, therefore, these latter models are of different type design. As such, the

regulations applicable to the issuance of an AD have not been met as to these other airplane models.

Each of the reasons cited for not issuing the proposed AD was reviewed by FAA with the following findings:

(A) We do not agree that unprotected wires of size used for the lighter installations are merely an extension of the bus. Bus extensions are evaluated and approved after a finding has been made that mechanical protection of the extension has been provided which will protect it from damage and subsequent shorts. This needed mechanical protection has not been provided for the wire used in these installations.

(B) The test conducted by the manufacturer did not consider degradation of the wire, and the circuit protection device, nor the range of ambient temperatures under which a short may occur. Therefore, it is not acceptable substantiation that the wire is adequately protected in some airplane models by the installed higher rated current protection devices; nor does it provide substantiation for these models in which a protective device is omitted as item (A) above.

(C) The fact that no substantial fires or no fatalities have occurred is not substantiation that hazards do not exist in in-service installations. Shorting of an unprotected or improperly protected wire will cause heating at that wire that will result in fumes and possible smoke and fire. Such conditions may result in a shorting of the cigar lighter wire installed in the cabin of the affected airplanes and are considered to be hazardous. We agree with the manufacturer that reported instances of smoke and/or fire have only occurred on the Models 177 and 177RG. However, the cigar lighter wiring circuitry is basically the same on the other affected models, and thus the potential for this hazardous condition exists.

(D) One of the necessary regulatory requirements for the issuance of an AD is that the unsafe condition is likely to exist or develop in other products of the same type design. As indicated above, the cigar lighter wiring circuitry design is essentially the same in all of the airplane models covered by this AD.

Following review of the manufacturer's comments, and subsequent evaluation, the FAA finds that this AD is necessary for the reasons heretofore set forth. However, certain changes have been made in the final rule that differ from those proposed in the Notice. In that regard, the proposed compliance time was 100 hours time-in-service following the effective date of the AD. The compliance time is now

changed to require this correction to be accomplished at the next appropriate inspection prescribed by Federal Aviation Regulation 91.169. This change is being made in the interest of creating the least inconvenience to owners/operators without compromising safety.

Also as proposed in the Notice, the AD would have required the disconnected wire to be either removed from the airplane or reconnected to the electrical bus by using a properly rated circuit protection device. In many cases, removal of the wire would necessitate taking apart the wire bundle in which this wire is routed and result in possible damage to other wiring. To preclude this possibility, the AD has been revised to allow, as an option, the disconnected wire end to be insulated, folded back against the wire bundle in which it is routed, and secured to that bundle. Since these changes are relaxatory in nature, additional notice and public procedure hereon under 5 U.S.C. 553(b) is unnecessary and impracticable.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Cessna: Applies to the following models and serial numbered airplanes certified in all categories:

Model series	Serial numbers
120, 140	8000 through 15075 and 15200 through 15724.
150	150065062 through 15075564.
A150	A15000001 through A15000480.
170	18000 through 20999 and 25000 through 27169.
172	28000 through 29999, 46001 through 47746, 17247747 through 17250572, and 17259224 through 17267584.
R172	R1722000 through R1722724.
P172	P17257120 through P17257189.
175	55001 through 56777 and 17556778 through 17557119.
177	17700001 through 17702314.
177RG	177RG0001 through 177RG0788.
180	30000 through 32999, 50000 through 50355, and 18051808 through 18052770.
182	33000 through 34999, 51001 through 51556, and 18254680 through 18265965.
185	18500968 through 18503458.
188	188-0001 through 188-0572 and 18800573 through 18803046.
190, 195	7001 through 7999 and 18000 through 18183.
210-5 (205) and 210-5A (205A)	205-0320 through 205-0577.
206, U206, TU206, P206, TP206.	206-0001 through 206-0275, U206-0276 through U206-1444, U20601445 through U2064074, P206-001 through P206-0603, and P20600604 through P20600647.
207	20700001 through 20700414 (except those aircraft with factory installed 24-volt electrical system).
210, T210	21058162 through 21061039 and T210-0001 through T210-0454.

Compliance: At the next appropriate inspection prescribed by Federal Aviation Regulation 91.169 following the effective date of this AD, unless previously accomplished.

To prevent an inflight electrical system failure, smoke in the cockpit, and/or fire in the wire bundle behind the instrument panel, accomplish the following:

(A) Disconnect the wire, at the ammeter or at the electrical system bus as applicable, that connects the bus to the cigar lighter receptacle. (The wire is connected to either the bus side or equipment side of a circuit breaker or to the ammeter.) Following the disconnection of this wire either:

(1) Reconnect the wire to the electrical bus by using an existing or newly installed circuit protection device that is properly rated to protect the wire gauge used for this circuit, or

(2) Disconnect the wire from the lighter receptacle at the opposite end and remove it from the airplane, or

(3) Protect the wire by insulating its disconnected end, fold this wire end back against the wire bundle in which it is routed and secure it to that bundle.

Note.—For those installations reconnected in accordance with paragraph A 1 the proper rated circuit protection device to be used may be determined by consulting FAA Advisory Circular 43.13-1A.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This Amendment becomes effective May 21, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64108; Telephone (816) 374-3446.

Issued in Kansas City, Missouri on April 4, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[Docket No. 78-CE-13-AD, Amdt. 39-3428]
FR Doc. 79-11709 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

Change to Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters several restricted areas in the Hawaiian Islands by changing the time of designation from "Continuous" to "Intermittent." The U.S. Army and the U.S. Navy agree that the work "Intermittent" more appropriately describes the military activity in these joint use areas.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

The Rule

The purpose of this amendment to Subpart P of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to amend the time of designation for Restricted Areas R-3101, R-3103, R-3120, R-3104 and R-3107, Hawaii. The U.S. Army and the U.S. Navy have agreed the time of designation for these joint use restricted areas should be changed to "Intermittent" to describe more appropriately the time of utilization. The U.S. Army and U.S. Navy have requested this change and the FAA concurs and such action is taken herein. Subpart B of Part 73 of the Federal Aviation Regulations was republished in the **FEDERAL REGISTER** on January 2, 1979, (44 FR 687). Since this amendment is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 687) is amended, effective 0901 G.m.t., June 14, 1979, as follows:

Under §73.31 Hawaii, R-3101 PMRFAC FOUR, Hawaii. SUBAREA A. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. SUBAREA B. Time of designation. "Continuous." is deleted and "Intermittent,

activated by NOTAM 24 hours in advance." is substituted therefor. R-3103 Humuula, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3104A Island of Kahoolawe, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3104B Island of Kahoolawe, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3104C Island of Kahoolawe, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3107A Kaula Rock, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3107B Kaula Rock, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. R-3120 PMRFAC Five, Hawaii. Time of designation. "Continuous." is deleted and "Intermittent, activated by NOTAM 24 hours in advance." is substituted therefor. (Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on April 6, 1979.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket 78-PC-1]
[FR Doc. 79-11710 Filed 4-13-79; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 456

Advertising of Ophthalmic Goods and Services; Reply To Request for Exemption From Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Reply to Request for Exemption from Trade Regulation Rule.

SUMMARY: The Commission answered a request by the Texas Optometry Board for a formal interpretation of certain State statutes and an exemption from

the Trade Regulation Rule on Advertising of Ophthalmic Goods and Services (16 CFR Part 456) for those statutes. The Commission found that some of the statutory provisions conflict with the trade regulation rule while others do not, and the Commission granted no exemption for those statutory provisions that do conflict.

EFFECTIVE DATE: March 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Gary D. Hailey, Room 281, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580, 202-523-3426.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Texas Optometry Board requested an exemption from the Federal Trade Commission's trade regulation rule on the Advertising of Ophthalmic Goods and Services, 16 CFR Part 456, for certain requirements mandated by Texas law. The Commission determined that some of the Texas requirements do not conflict with the rule, and are therefore permissible. Other Texas requirements were found to conflict with the Commission's rule and no exemption from the rule was granted.

The letter from the Texas Board and the Federal Trade Commission's reply are set out below.

October 2, 1978.

Mr. Gary D. Hailey,
Federal Trade Commission, Room 281,
Washington, D.C. 20580.

Re: FTC Trade Regulation Rule.

Dear Mr. Hailey: It is the understanding of the Texas Optometry Board that, although suit has been filed by the AOA and others against the FTC Trade Regulation Rule on the advertising of ophthalmic goods and professional services, said FTC Rule is presently in effect. The Texas Optometry Board, therefore, requests a formal interpretation or opinion from the Commission as to whether or not the enforcement of any or all of Subsections (b) through (k) of Section 5.10 of Article 4452 V.A.C.S., known as the Texas Optometry Act, a copy of which is attached hereto, would constitute a violation of the FTC Trade Regulation on the advertising of ophthalmic goods. Sections 5.10 (b) through (k) of the Texas Optometry Act are primarily designed to inform the consumer and make the consumer less susceptible to bait and switch advertising. The requirement that an optician obtain an "advertising permit" before beginning any such advertising is simply a reasonable enforcement procedure to prevent such bait and switch deception, and is not a "burden on advertising" under the FTC Rule any more than is the requirement that an optometrist be licensed before advertising to the public as an optometrist.

Under Section 5.10(c), an advertising permit " * * * shall be granted to any person, firm or corporation which is engaged in the

business of a dispensing optician," and, therefore, there can be no discretionary refusal of an advertising permit. Neither does the Board charge any fee for the issuance of an advertising permit.

Section 5.10(f), which includes the requirement that prices in the major categories of lenses be included in any advertisement as well as the price in any single category, is necessary so that consumers may shield themselves against bait and switch advertising. It is designed primarily to inform the consumer so that the consumer may make an intelligent comparison of prices before he is subject to the pressure of the salesman at any particular optical shop. This provision seems entirely consistent with the FTC's goal of better informed consumers. Furthermore, the requirement that prices in all categories be posted within the optical shop is not a burden on the dissemination of information, but instead assists the dissemination of information by insuring that the consumer is fully informed at the time he most needs to be informed, i.e. when he is negotiating with the salesman.

Section 5.10(h), which requires certain standards for optical lenses speaks to standards of lenses within the industry, and is not a burden on the dissemination of information.

Section 5.10(j) is not a limitation on the dissemination of information, but is a requirement to keep opticians who advertise items at a certain price from claiming "they just sold the last one." This is vitally important to prevent bait and switch.

Section 5.10(k) is an enforcement measure which enables the Texas Optometry Board to effectively prevent bait and switch advertising. The history of optometry in Texas has proven over and over again that laws merely prohibiting deceptive advertising are not effective in stopping bait and switch practices.

If it is determined that the enforcement of any or all of Subsections (b) through (k) of Section 5.10 of Article 4552 V.A.C.S. would technically be violative of the FTC Rule, then the Board submits (a) that the enforcement of these subsections is necessary to prevent deception or unfairness, (b) that the subsections are reasonable, and (c) do not unduly burden the dissemination of information. The Texas Optometry Board, therefore, requests the FTC to determine that under Section 456.5 of the FTC Rule, the Board be permitted to continue to enforce all of such subsections, or those subsections which most positively and effectively protect the public from bait and switch advertising to the extent specified by the Commission.

In enacting Sections 5.10 (b) through (k) of Article 4552 V.A.C.S., the Legislature unquestionably was aware of the peculiar history of deceptive bait and switch tactics in the optical industry prior to the enactment of the Texas Optometry Act of 1969, and the inherent difficulties of preventing bait and switch tactics under general deceptive trade practices laws. Certainly, the enforcement of such subsections do not constitute an undue burden on dissemination of information, since the primary purpose of such enactments

is to inform the consuming public and to arm them with valuable consumer information necessary to make an intelligent decision in the marketplace. The advertising permit concept does not prevent opticians from advertising, it simply requires that any advertisement that is made must contain the whole truth.

Since the Texas Legislature will be convening in the next few months, your prompt attention to this matter is requested.

Yours very truly,

TEXAS OPTOMETRY BOARD,

By: Joe R. Greenhill, Jr.,

House Counsel.

Joe R. Greenhill, Jr.,

House Counsel, Texas Optometry Board,
Commerce Park, Suite H-101, 5555 North
Lamar, Austin, TX 78751.

Re: Request for Formal Interpretation of and
Exemption from Trade Regulation Rule
on the Advertising of Ophthalmic Goods
and Services (16 C.F.R. Part 456).

Dear Mr. Greenhill: this letter is in response to your request dated October 2, 1978, for a "formal interpretation or opinion" from the Federal Trade Commission as to whether or not the enforcement of any or all of subsections (b) through (k) of Section 5.10 of the Texas Optometry Act would violate the Commission's trade regulation rule on the Advertising of Ophthalmic Goods and Services (16 C.F.R. Part 456), which became effective on July 13, 1978.

As you know, this trade regulation rule provides that it is an unfair act or practice for any state or local government entity to enforce any prohibition, limitation or burden on the dissemination of information concerning ophthalmic goods and services by any seller. The rule further provides (in § 456.5 (a) and (b)) that State or local laws or regulations which require that certain affirmative disclosures be included in any dissemination of information concerning ophthalmic goods and services or which apply to all retail advertisements of consumer goods and services shall not be considered to prohibit, limit, or burden the dissemination of information.

This letter first addresses whether or not enforcement of the aforementioned subsections of the Texas Optometry Act would violate the trade regulation rule. It then discusses whether or not the enforcement of those provisions which do conflict with the trade regulation rule should be permitted on the grounds mentioned in § 456.5(c) of that rule.

Section 5.10(g), which requires that dispensing opticians who own more than one office in a county or city charge the same prices for ophthalmic goods in all of those offices, does not conflict with the Commission's rule if it is assumed that it applies to both advertisers and non-advertisers. If this subsection applies only to those dispensing opticians who advertise, it conflicts with § 456.3 of the Commission's rule. A state law which restricts the ability of a dispensing optician to determine what prices shall be charged is certainly a burden on advertising if it applies only to those dispensing opticians who advertise. Of

course, the state or local government could impose such a requirement on all advertisers of consumer products and services under Section 456.5(b).

Section 5.10(h), which requires that all ophthalmic goods meet certain standards of quality, does not conflict with the Commission's rule if it is assumed that it applies to both advertisers and non-advertisers. If this subsection applies only to the ophthalmic goods of those sellers who advertise, it conflicts with § 456.3 of the Commission's rule. A state law which applies stringent standards of quality to the goods sold by advertisers but not the goods sold by non-advertisers is certainly a burden on advertising.

Sections 5.10 (b)-(f), (i), and (j) are clearly inconsistent with the Commission's rule. Each of these sections burden advertising by sellers of ophthalmic goods and services to a greater or lesser extent.

Section 5.10(f) requires a dispensing optician who wishes to advertise a price for single-vision eyeglasses to include in that advertisement "with equal prominence" the prices of eight other types of corrective lenses. This provision may force those who wish to advertise prices to purchase a much larger amount of advertising space than they wish to purchase, or to forego advertising altogether. Section 5.10(j), which requires those who advertise prices to make each advertised item available at the advertised price "without limit to quantity" to both their customers and their competitors, would discourage advertising even more since it would cause an advertiser who was unable to produce an infinite quantity of an advertised item if one of his rival sellers demanded that he do so to be in violation of this section. Likewise, subsections (b), (c), (d), (e) and (i) burden the dissemination of price information by requiring advertisers to apply for permits and file detailed statements about prices and sales with the Texas Optometry Board. These subsections place burdens on those who advertise ophthalmic goods and services but do not apply to any other kinds of sellers, and therefore conflict with § 456.3(a) and § 456.5(b).

Since the substantive provisions of subsections (d) through (j) are inconsistent with the Commission's rule, subsection (i), which provides for penalties for violations of subsections (d) through (j), is also inconsistent with the Commission's rule.

To summarize, subsections (g) and (h) do not conflict with the trade regulation rule on the Advertising of Ophthalmic Goods and Services (16 C.F.R. Part 456) if those subsections apply to advertisers and non-advertisers alike. Subsections (b), (c), (d), (e), (f), (i), (j), and (k) are clearly inconsistent with the Commission's rule.

Your request states that the Commission should permit enforcement of subsections (b) through (k), even though those provisions are "technically violative" of the trade regulation rule, because those subsections are reasonably necessary to "protect the public from bait and switch advertising." You further assert that the Texas legislature enacted these subsections in 1969 because it "unquestionably was aware of the peculiar

history of deceptive bait and switch tactics in the optical industry" prior to that time.

The Statement of Basis and Purpose for the Trade Regulation Rule on the Advertising of Ophthalmic Goods and Services, which appeared in the *Federal Register* on June 2, 1978, discusses the major arguments in support of advertising restraints in some detail. The Commission found specifically that advertising of ophthalmic goods and services is "no more likely to be false or deceptive than advertising of any other goods and services," and that the problem of "bait-and-switch" advertising by the sellers of ophthalmic goods and services could be controlled adequately under currently-existing state or local consumer protection laws of general application.¹

The Commission appreciates the concern of the State of Texas to protect its citizens from deceptive advertising. We would like to reiterate our position that any requirements imposed on all advertising for consumer goods and services by the State of Texas are automatically excluded from the coverage of the Commission's rule. Therefore, those subsections discussed above would not be affected by the trade regulation rule if similar provisions were generally applicable to the advertising of consumer goods and services in Texas.

But in light of the Commission's recent finding that special legal controls (beyond the disclosure requirements allowed by § 456.5(a) of the trade regulation rule) have not been shown to be necessary to control deceptive advertising by sellers of ophthalmic goods and services, and in the absence of any specific evidentiary showing in your letter which shows this finding to be incorrect, the request for exemption must be denied.

By direction of the Commission.

Gerrit M. Thomas,

Secretary

[FR Doc 79-11806 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Parts 404 and 416

Determination of Disability or Blindness; Correction

In FR Doc 79-8087, appearing at page 17654 in the issue for Friday, March 23, 1979 make the following correction:

In the paragraph labeled "DATES:", remove the phrase (insert 60th day after publication) and insert in its place "May 22, 1979".

BILLING CODE 4110-07-M

¹ 43 FR 3996-97. Should you make an evidentiary showing that deceptive or "bait and switch" ads were uniquely prevalent with respect to ophthalmic goods and services, the Commission would, of course, reassess this decision.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing— Federal Housing Commissioner

24 CFR Part 200

Increases in Thermal Requirements for HUD Minimum Property Standards

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This rule increases thermal requirements for the HUD Minimum Property Standards for One- and Two-Family Dwellings. These increases are necessary in order to conserve fossil fuel energy.

EFFECTIVE DATE: May 16, 1979.

COMMENT DUE DATE: June 15, 1979. Comments should be filed with the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. Mervin Dizenfeld, Mechanical Engineer, Standards Branch, Office of Technical Support, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6590.

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks: Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Dwellings in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incorporated by reference into 24 CFR 200.927. All substantive changes in the Minimum Property Standards are required by 24 CFR 200.933 to be published in the *Federal Register* using the same procedure as for the publication of regulations. The Minimum Property Standards to which these changes apply are available for examination in all HUD Field Offices and in Room 6170 of the HUD Headquarters at the above address during business hours.

On April 24, 1978 (43 FR 17371) HUD proposed changes to Minimum Property Standards. Interested persons were given until May 24, 1978 to comment on the proposed amendment. One hundred and fifty-four sets of comments were received in response to the proposed changes. The revision was recast in light of comments received and on a re-analysis of the National Bureau of

Standards (NBS) economic study based on the latest available data on fuel prices and construction costs. The NBS analysis was cross checked by weighing the resulting increased amortization costs against reduced operating costs. The chief differences between the proposed and the interim rule being adopted are: (1) areas requiring single, double and triple glazing are adjusted; (2) additional ceiling insulation is required in several instances; and (3) decreased wall insulation is required for electrically heated homes in areas of 2500 to 3500 degree days.

Discussion of Major Comments

General

A common comment was that energy conservation measures must be cost effective; we agree with the comment that these energy conservation measures should be cost effective. Cost effectiveness is a function of the cost of the improvement, climate and the amount and cost of the energy saved. We agree too with the observation that both climate and costs vary tremendously from locality to locality. It would create an administrative morass if the MPS were modified to reflect each and every variation. Regional variations have always been recognized by the MPS. Consequently, Section 101 of the MPS permits the local field offices, for specific cases, to vary from standards contained in the MPS where it is considered necessary to obtain those characteristics of livability, utility, service and low maintenance expense to assure continued acceptance of a housing unit.

Although several commenters urged the withdrawal of all local acceptable standards pertinent to thermal insulation, we will continue those currently in effect in specific areas until additional criteria are available to correlate our new insulation standards with the data previously submitted to substantiate the local acceptable standards.

One commenter claimed that if HUD over estimates energy price increases, some portion of the cost of the energy conservation measure (ECM) would be wasted. Energy will be saved even though not enough to pay for the ECM. The commenter continued saying that if energy price increases were underestimated the consequences would be more serious. Energy would be wasted and homeowners would have to pay the high price of that energy. HUD realizes the consequences of estimating energy price increases either too high or too low. However, there are concerns

other than simply saving energy; one is price escalation of housing for which there is no benefit to the homeowner. Inflated prices continue to remove prospective low income homebuyers from the housing market. Generally, short term future price increases can be estimated with reasonable accuracy. As time passes and long term price estimates are revised, either up or down, the MPS also can be revised to accommodate these changes.

A commenter suggested that there are flaws in the NBSLD program. Apparently, there is a misconception of the purpose of the National Bureau of Standards Load Determination Program (NBSLD). NBSLD is a program which uses hour by hour weather data to determine heating and cooling loads of a house in a particular location. The economic analysis for the proposed MPS revision was done with a separate computer program using data obtained from NBSLD and other sources. It was this computer program and not NBSLD that determined the cost/benefit ratios for the various energy conservation measures.

Some commenters misunderstood some of the assumptions used in the economic analysis. The 1975 Federal Energy Administration (FEA) price projection was not used. The figures were the FEA projection from 1975 to 1990 which was published in 1977. Admittedly, the analysis used a range of figures beginning with 1975 fuel costs in lieu of the 1977 figures. Cost/benefit ratios could have been increased by 15% to correct for this. It was also suggested that perhaps this 15% should be ignored because the insulation costs used were low. To confirm the cost effectiveness of the energy conservation measures, the economic analysis was recomputed using corrected fuel and insulation costs. Contrary to the commenter's belief that more insulation would result from recomputing the economic analysis, what was found was that some of the proposed levels of insulation could not show cost effectiveness.

The commenter also stated that the cities selected for analysis because of their weather data do not comprise a representative energy cost spread. He continued by saying that 15 of the 21 cities analyzed had below average electricity costs. This fact did not enter into the economic analysis which used NBSLD weather data because FEA's regional cost data were used. This was documented in our work sheets given to the commenter.

The commenter pointed out that the program considered the cost effectiveness of insulation only in large

increments (R-11, R-19, R-30, R-38, R-49) although smaller increments may be installed. The cost effectiveness of smaller increments was considered in the proposed revision. Such consideration is recognized in the alternate method of calculating the required amounts of insulation by using the curves on the graphs.

The commenter also pointed out that the economic analysis did not consider the reduced initial cost of heating and cooling equipment resulting from the reduced capacity necessary to service a house with the required ECM's. It cannot be assumed that there will always be a reduced cost for this equipment. In addition, the availability of this equipment in adequate incremental capacities for both heating and cooling is questionable at the present time.

It is true that ECM's for some of the localities of the climate groups did not conform with the rest of the group as presented in working papers. However, it is important to understand the methodology used in establishing the ECM criteria. For example, for one city our working papers indicated R-19 floor insulation when electric heat is used and R-11 floor insulation when fossil fuel or a heat pump is used. This was arrived at by interpreting the cost/benefit ratios of computer run economic analysis. The decision to require R-19 insulation when using electric heat is supported by the program results of 1.21. The cost/benefit ratios nearest and above unity are considered the most cost effective measure for the specific modification in a specific locality. Thus, 1.21 is cost effective and the value equivalent to R-19 insulation was listed on the table. On the other hand, the decision for fossil fuels was partially based on judgment. The fossil fuel column of the table is composed of cost/benefit considerations of heat pumps, gas and oil furnaces. The results of the analysis for these three heating methods are .90, .96 and 1.07 respectively for R-11 floor insulation. Again, anything over 1.0 is considered to be cost effective. As the oil heating column shows a number of 1.07 and the gas column shows .96 both of which are more common methods of heating than the heat pump which in its column shows .90, it was judged that R-11 might be considered cost effective. Thus the work table shows R-11 under the fossil fuel column for floors in the specific city. After considering the results of the other localities and arranging the localities by climate which is a standard method for establishing building criteria, it was found that as a group R-11 was not cost effective for

floors, when using fossil fuels or heat pumps. In fact, only one city was shown to require R-11. This discussion illustrates that there is room for judgment and readjustment. It is important to realize that with averaged weather data and estimated fuel prices, there are no precise answers.

A commenter suggested that the alternative method of calculating the required levels of insulation by using the graphs does not reflect the NBS data or the specific requirements. The commenter fails to understand the requirements. Take, for example, the curve on the graph for determining the U value for ceiling insulation when using a heat pump or fossil fuels. This curve was plotted by pointing the U values at the highest winter degree day mark for each climate group, i.e., U of .05 at 2500, U of .04 at 4500 etc. The curve was then drawn thru these points. The advantage to the curve is that it allows a user to interpolate insulation levels in combination with other design considerations and thus provides a degree of flexibility.

Comments were made concerning flaws in our working papers in an analysis of roof pitch versus insulation thickness. The intent of our rough estimates was to determine cost-effectiveness of structural modification to roof trusses versus the loss of insulation qualities caused by an insufficient height between the ceiling and roof sheathing to accommodate the insulation. Because of the numerous variations in roof slopes and the possible variations in insulation thickness for a given U value, no practical quantitative conclusion could be drawn as to impact of roof slopes on ceiling insulation. Thus, no consideration for roof slope appears in the proposed revision and some ECM's which were considered cost effective in the economic analysis, without regard to constraints of roof configuration, were not included in the revision.

The comment was made that the economic analysis should be corrected to reflect the 1977 FEA energy price projections because this would make an enormous difference in the standards in that much more insulation would be proven cost effective. We agreed that a new analysis should be prepared, not just because the fuel price range began with 1975 figures but to update construction and material costs as well. The analysis has been recalculated with these new cost figures. The results are reflected in the final version of this revision in which Table 6-7.1 and Figures 1 and 2 are amended.

Five commenters requested an extension of the 30-day review and comment period. While the Secretary considers the urgency of this rule requires its adoption at this time, it is being published to accommodate public comment.

Three commenters endorsed the proposed revision as being energy conserving and moving in the right direction and made individual comments, such as: it uses technological innovations rather than unrealistic lifestyle changes, and current Minimum Property Standards (MPS) allegedly have resulted in mortgage defaults due to homeowners inability to pay utility bills. No response is made to these comments.

Commenters said that implementation of the proposed revision will have an economic and inflationary impact upon the housing consumer who can least afford to pay increased housing costs. Economic and inflationary impacts were carefully considered in the preparation of the proposal.

A commenter said that the effects of fire, mildew, termites, architectural variety, employment and regulations of other Departments should be evaluated in developing the proposed revision. All of these were evaluated where appropriate to the proposed revision. Such considerations as fire, mildew, termites, and regulations of other Departments are currently a part of the MPS or are a part of normal Departmental or Inter-Departmental procedures when revising regulations.

A commenter made reference to Public Law 94-385 Energy Conservation Performance Standards for New Buildings which will produce the requirement for an energy budget in September 1980 and to the lack of need for the proposed revision to the MPS. The National Energy Conservation Policy Act contains the charge to HUD to provide a revision to the MPS which "will achieve a significant increase in the energy efficiency of new construction" until such time as the Energy Conservation Performance Standards for New Buildings are implemented.

A reviewer stated that the MPS should establish minimum seasonal performance factors for heating and cooling equipment installed in residences. The Department of Energy has the responsibility for publishing mandatory efficiency requirements for heating and air conditioning equipment. When these equipment efficiency requirements are determined, HUD will use them.

A reviewer suggested that HUD develop a special grant or loan program for homeowners (and Public Housing Authorities) which would enable them to modify their existing systems for outside combustion air. This recommendation will be referred to the appropriate program office.

One reviewer "would like to see the data compiled to substantiate this recommended change." The data are available and can be examined at HUD Headquarters.

A commenter proposed that HUD require a new house to have a label containing data on the house's thermal characteristics, as well as its average heating and maintenance costs to provide a basis for comparison with other new homes. HUD presently requires that the amount of insulation installed in a new house be indicated on a card which must be affixed in a conspicuous place within the dwelling. The suggested format includes too many variables and data which are too technical to be used advantageously by the average home buyer. These data along with the suggested cost information could be misleading since they are useless for comparison with other houses unless they are all calculated on the same basis.

A commenter noted that the MPS do not address the impact of the size, shape and orientation of a house on its energy consumption. Such advisory material is inappropriate to a set of minimum design and construction standards, but such material can be found in other HUD publications, such as Passive Design Ideas for the Energy Conscious Builder, Passive Design Ideas for the Energy Conscious Architect, and Passive Design Ideas for the Energy Conscious Consumer. These are available from the National Solar Heating and Cooling Information Center, P.O. Box 1607, Rockville, Maryland 20850.

Complaints of moisture problems have been received but they cannot be attributed to board sheathing material as suggested by a commenter. Attention must be given to the prevention of excessive moisture accumulation within the cavity of walls and within the house itself by proper application of vapor barriers, consideration of ventilation practices, and by a program of consumer education. Vapor barrier requirements are given in MPS Section 607-2.4. A good discussion of the subject is found in the University of Illinois Small Homes Council Circular F6.2 "Moisture Condensation" available from the Small Homes Council, Mumford House, University of Illinois, Urbana.

One commenter suggested that walls be required to achieve the highest thermal performance possible in anticipation of future use of solar energy. We have attempted to do this within the constraints of cost effectiveness, availability of materials and the overall effect upon the economy in certain areas.

The commenter suggested that we make reference to the model code which NCSBCS developed with the cooperation of the three model codes. Our current requirements are comparable to the referenced code. As previously stated, this revision is in response to charges, for improvement to our standards, contained in the National Energy Conservation Policy Act.

We cannot respond to the recommendation for a summer attic ventilation requirement, until we have evaluated the NBS studies on cost effectiveness of mechanical ventilation presently being conducted. Appropriate information concerning the various methods of attic ventilation will be placed in the Manual of Acceptable Practices.

A reviewer recommended lowering the ceiling height to 7'-6". This is permissible according to the current MPS.

A commenter reported 9.3% savings with use of a specific sheathing board. The MPS cannot specify a proprietary product, as suggested by a commenter.

507-3.4 Conditions of Use

Eight commenters in 507-3.4a indicated concern about one or more of the following: (1) meaning of finish rating, (2) the requirement for 15 minute finish rated materials over foam plastic insulation, and (3) the omission of addressing the insulation requirements relative to piping, mechanical equipment and ducts.

(1) The meaning of "finish rating" is given in Appendix A, Definitions, in the current MPS and is not repeated in this revision. (2) 507-3.4a was not changed in this revision and the requirement for a 15 minute finish rated material over foam plastic is not new. The material need not be ½ in. gypsum wall board but it must have a 15 minute finish rating. The purpose of the requirement is to reduce the potential life hazard to housing occupants. If on-going or future studies find minimal or no hazard exists, we will re-evaluate the requirements. However, 507-3.4a is reworded for clarity as follows:

Foam plastic insulation surfaces shall have a flame spread rating of 0-75 tested in accordance with ASTM E-84. In all habitable rooms and in nonhabitable areas such as

utility rooms, garages and basements using foam plastic insulation, the insulation shall be installed within the cavity or on the exterior of a masonry wall or shall be separated from the building interior by a material having a finish rating of at least 15 minutes such as ½ in. gypsum wall board.

(3) The revision is concerned with the reduction of energy loss through the exterior surfaces of a house. The requirements for insulating piping, ducts, etc. are covered in Sections 515, 615, and Appendix C of the current MPS. Section 515 was reviewed in May 1978.

Commenters on 507-3.4b indicated concern about one or more of the following: (1) the requirement for 2 inch clearance between underside of roof deck and top of insulation for ventilation when 1 inch is adequate, (2) the meaning of "baffles of durable material," and (3) omission of methods to install insulation around recessed electrical fixtures.

(1) The requirement of 2 inches is changed to the 1 inch suggested; we agree 1 inch should be adequate. (2) The requirement for "baffles of durable material" is a performance requirement that we believe serves better than a prescribed material, thickness, finish, etc. The acceptability of the baffle material is determined by the field office under whose jurisdiction the house is built. (3) The current MPS require complete compliance with the National Electrical Code (NEC). Since clearances, etc. around recessed electrical fixtures are given in the NEC, they are not repeated in the MPS.

508-5.1 General

Several comments on 508-5.1 indicate concern with one or more of the following: (1) requiring "insulated aluminum windows and sliding glass doors in areas of 4,500 or more degree days" when the problem of condensation on aluminum windows or sliding glass door frames is negligible in certain arid areas, (2) requiring only aluminum windows and sliding glass doors to meet the AAMA 1502.6 standard with its air infiltration limitations and not have a similar requirement for windows and sliding doors of wood and other materials.

(1) The reference to "4,500 or more winter degree days" is changed to "a winter design temperature of 10 degree F or lower." These are national standards and there may be parts of the country for which variation may be considered through a local acceptable standard. (2) The AAMA 1502.6 standard makes it possible it accept metal windows and sliding glass doors in these areas where condensation problems have precluded

their use. The reference to this standard is an attempt to overcome condensation problems, not to provide a limit for infiltration. The MPS already have infiltration limits on sliding exterior windows regardless of materials used. See Appendix D and referenced standards. Limits for infiltration for hinged doors (see Note (4) to Table 6-7.1) are set only for insulated door and frame systems because there is no reasonable way of testing job hung doors and frames in places while door and frame systems can be tested at the factory or in a laboratory. The system is preassembled and weatherstripped thus assuring consistent infiltration results. Job hung doors are installed and weatherstripped in various ways making consistency unlikely.

607-3 Building Insulation

One building industry association claimed that the use of ASHRAE 90-75 for the use of a total envelope approach has been abandoned. The proposed revision gives three alternatives for performance evaluation and selection of building materials, one of which is the total envelope approach.

Commenters stated the following: (1) the proposed standard is entirely prescriptive, (2) it eliminates use of certain materials in several states; (3) the cost savings of more insulation in walls and ceilings is misleading, and (4) it does not stress a system approach.

(1) The proposed revision is not a prescriptive standard because it does not prescribe a structural material, an insulation or insulation thickness, type of construction, etc. It contains a performance standard that sets levels of energy performance for various components, such as ceilings, walls, windows, etc. (2) The proposed revision does not specify or name any material as being acceptable or unacceptable. (3) There is a limit to the cost effectiveness of lower thermal performance values or more insulation. The thermal performance values of the proposed revision indicate those minimum values that are cost effective for a given source of energy, a given number of degree days per year, and projected energy costs. (4) The proposed revision permits a component system approach by permitting Alternative Performance Criteria (607-3.4) and an overall structure system approach through Overall Structural Performance Alternative (607-3.5).

Five commenters said that the proposed revision did not address or include values or procedures for incorporating or using the possible effect that structure mass has on the energy

required for heating. Because there are no nationally accepted values or procedures for considering mass when determining the heating load or calculating its effect on energy use, mass is not one of the factors utilized in determining or establishing thermal performance requirements for the building components in the proposed revision. Numerous associations, groups and individuals are or will be investigating, analyzing or researching the many effects and values of mass on heating needs. ASHRAE permits an allowance for mass of the wall for cooling load calculation. It is based on the U value of the wall and the daily range of temperature. ASHRAE does not have a procedure for recognizing mass of the wall for heating calculations. We shall consider the results of studies which are now underway or proposed for the future for application to appropriate construction.

A commenter was concerned with the similarity between the new thermal requirements of the Farmers Home Administration (FmHA) and these HUD standards and the difficulty of getting acceptance of an application. The thermal requirements of FmHA and HUD for electrical-resistance heat are very similar. A house meeting the higher thermal insulation requirements for a specific degree day range would meet the lesser criteria of the other Agency.

607-3.2 Overall Coefficient of Heat Transmission

Seven commenters on 607-3.2a indicated concern with one or more of the following: (1) the exclusion of adjustment to the U values in Tables 6-7.1 and 6-7.2 for the framing in walls, ceilings, floors or the sash frame of windows and doors, (2) the proposed requirements are similar to those of FmHA which are already in effect, and (3) manufactured housing needs FmHA and HUD reciprocity in acceptance.

(1) In the interest of simplicity the U values of Tables 6-7.1 and 6-7.2 are not adjusted for the multiplicity of frame spacing and other construction variations that would make the tables harder to use. In energy load calculations and sizing heating and air conditioning equipment, the proper adjustment would be made for the specific framing and construction used. (2) The FmHA requirements are based on their programs and their circumstances which are not exactly the same as HUD programs. One of the differences is the fact that approximately 85% of FmHA houses are electric resistance heated while 49% of HUD/FHA houses are so heated. (3)

Since the thermal performance requirements of each Agency are minimum, manufactured housing that meets the more stringent requirements would meet the requirements of the other Agency; however, the two Agencies currently do not have reciprocal acceptance of any housing—conventionally built or otherwise.

One commenter claimed that the revision will escalate needlessly the price of houses, while another commenter questioned our requirement in 607-3.5a for a cost effective design and expressed doubt that methods under 607-3.3 and 607-3.4 could be cost effective.

A major concern in preparing the proposed standards was that the energy conserving requirements be cost effective. Two types of economic analysis were made. The first consisted of a computer program prepared by the National Bureau of Standards. A 1200 sq. ft. house was modeled with 15 shell modifications to reduce conductive heat transfer. The 15 modifications included various levels of attic, wall and floor insulation, double and triple glazing, and a storm door. The house was assumed to be built over an unheated crawlspace and had an unfinished attic. The National Bureau of Standards Load Determination Program (NBSLD) was used to calculate the heating and cooling requirements of the base house in 14 cities at different levels of overall thermal integrity in order to estimate the energy savings from the various modifications. Hour by hour weather data from Test Reference Year weather tapes were used in the basic calculation. These data were then corrected for long-term climatic conditions and interpolated to 11 additional locations using heating degree day and cooling degree hour data.

The house as modeled was assumed to be occupied throughout the year. Indoor thermostat settings were 68 F daytime and 60 F night setback (11 pm-7 am) during heating periods, and 78 F during cooling periods. Internal loads from people, lights, and appliances were accounted for. Heating and cooling equipment conversion efficiencies were assumed. Furnace efficiencies assumed that an electronic ignition and stack damper were used. In all cases ductwork was assumed to be very well insulated and tightly sealed so that duct losses were minimized.

Cost data for the various modifications were collected by the NAHB Research Foundation and adjusted to current costs using additional data from the Insulation Contractors Association. Energy price

data were supplied by the Federal Energy Administration (FEA) for the 10 reporting regions of the United States. Thus, energy price data were not for the specific city analyzed but were typical of that general geographic region. Energy prices were escalated up to 1990 using FEA regional projections and from 1990 on were constant in real terms. A 6% rate of general inflation was assumed throughout.

A benefit-cost analysis was performed based on these data. The present value of the energy savings was calculated for each modification in each location over 30 years at a 10% discount rate. Separate savings were calculated for electric resistance, gas, oil, and heat pump. Both heating and cooling savings (where applicable) were calculated. These savings were then compared with the first cost in order to determine whether the life-cycle savings exceeded the costs (i.e., cost effective) or fell below the costs (i.e., not cost effective).

With the above as background information the second analysis was made by selecting 30 representative cities and comparing the increased monthly amortization cost versus the reduced monthly operating cost. This analysis was then used to prepare Table 6-7.1. This Table and Figures 1 and 2 have been revised based on the results of recalculated economic analysis using updated cost information.

Table 6-7.1

Numerous comments on Table 6-7.1 indicated concern with one or more of the following: (1) additional wall thickness will be needed, (2) having higher U values (lower R), (3) having lower U values (higher R), (4) basis of Revision 6a.

(1) The proposed U values are performance requirements and the wall thickness or insulation is the decision of the builder or designer. (2) Higher U values may save in construction cost for the builder and may reduce the initial cost to the consumer, but the resulting increased energy cost could impact seriously on the consumers ability to meet escalating energy costs. (3) Lower U values are permitted by the proposed revisions and with the resulting savings of air conditioning costs, the lower U value may be cost effective. (4) The proposed requirements were based on calculations of: added construction cost, impact on purchase price, effect on mortgage, energy savings, energy costs, etc. for selected areas of construction, thermal environment, etc. The results of these calculations are the performance values of the revision and the separation

of electric resistance and fossil fuel (including heat pumps) heating.

As suggested by commenters Note (1) of Table 6-7.1 will state "For areas of 5000 winter degree days (WDD) or less, houses using heat pumps may be insulated to levels required for fossil fuels. In areas above 5000 WDD, houses using air to air heat pumps with electric resistance supplemental heat shall be insulated to levels required for electrical resistance heating (ER)." The other notes are renumbered.

Pertinent to Note (3) of Table 6-7.1, a reviewer suggested that basement wall insulation be allowed as an alternative to floor insulation over a basement. According to Note (3), it may be an alternative.

Pertinent to Note (3), a commenter asked whether peak or average, measured or assumed 24 hour heat loss should be used. The design (assumed) heat loss should be used.

Note (4) of Table 6-7.1 gives a 15% limitation on glass usage unless more can be justified. Several commenters urged more usage of glass for light and solar heat transmission. It should be noted that the limitation applies only to the component performance method of compliance. This standard allows leeway in design and use of windows if they can be justified on the basis of energy savings.

In response to data submitted, Note (4) is changed to require screening from summer solar heat gain in the deviation from the limitation on window size.

A commenter asked the meaning of "durable weatherstripping" in Note (5) of Table 6-7.1. The requirement for "durable weatherstripping" is a performance requirement that serves better than a prescribed material, thickness, finish, etc. The acceptability of the weatherstripping material is determined by the field office under whose jurisdiction the house is built.

A commenter questioned the requirement in Note (5) of Table 6-7.1 for a storm door when a prime door is more than 25 percent glass. He suggested that double glazing of the prime door should be adequate, but such double glazing is not thermally equivalent to a storm door.

A commenter requested confirmation that the maximum glass area can exceed 15% of the wall area under 607-3.4. This seems unnecessary since the total envelope performance approach of Figure 1 permits the designer to select the window area.

One commenter requested a clarification on the acceptance of a design in which the calculated U was rounded off to meet the requirement.

Standard mathematical procedures of rounding numbers are acceptable i.e., the value 0.07 may include numbers ranging from 0.066 to 0.074.

One commenter stated that higher U value would seem proper in light of today's technology. The requirement of a U value permits the builder to comply by any means that he desires by combining the R value of the components. Since the thermal transmission of the structure (U value) determines partially the heat loss, we cannot understand how a higher suggested U value would save energy since more heat would escape from the structure.

A reviewer criticized the credibility of the ASHRAE Winter Degree Day method of estimating annual heating requirements. Another commenter contended that winter degree days is a crude measurement for thermal performance requirements and weather stations may not have information on nearby areas. The use of winter degree days, although not exact, is the accepted guide of the heating industry. We recognize the existence of micro-weather areas that differ from the weather station. The proposed standard does not assign specific degree day designations to any geographic area. Individual field offices within each locality are aware that parts of their jurisdictions fall in different degree day zones.

A commenter requested that we use the same level of U values for ER and FF. Our economic analysis determined the two level approach.

One commenter called to our attention the similarity in Table 6-7.1 of the thermal requirements for such diverse areas as El Paso, Texas and Toronto, Canada although the latter has twice as many winter degree days as the former. The comparison is not quite correct in that Toronto requires triple glazed windows and storm doors. A reanalysis of conditions has increased the difference between the referenced cities.

607-3.4 Alternate Performance Criteria

Several commenters suggested typographical corrections to the equations. The corrections were made.

Comments were received stating that paragraph 607-3.4 is not an "Alternate Performance Standard" since the curves in Figure 1 require adherence to U values, Table 6-7.1 and the two alternate methods of determining criteria of heat flow are considered to be performance standards since they reflect the overall performance of the entire structure. Although acceptable

thermal values for various housing components are shown in the Table, Section 607-3.2b states that the U values for individual components can be reduced if compensated by an increase in the value of other components. This permits the designer to use his initiative to obtain an energy conserving structure.

Several commenters claimed that skylights are passive solar collectors and should be excluded from U value calculation for roofs in Equation 1. The use of skylights should be treated like other glazing and should demonstrate that the winter daily heat gain exceeds the 24 hour heat loss and that the summer heat gain can be screened out.

One commenter suggested that in Sections 607-3.4 a and b the wall and ceiling framing members be included in the equations. The alternate performance criteria referencing Fig. 1 and Fig. 2 do not include the framing material for the walls and for the roof/ceiling area. Since the component method does not consider the effect of framing on the U value of the wall or roof/ceiling area, it would be inconsistent to include it in the envelope approach in Sections 607-3.4 a and b.

One commenter objected to the use of the U and the A symbol for both the walls and ceiling. These are engineering terms recommended and used by industry, and are used here for consistency.

607-3.5 Overall Structure Performance Alternative

One of the commenting associations wanted consideration of the critical factors of: conductance, convection, radiation characteristics of the construction section, thermal capacitance (or mass), building orientation, solar insolation, variable wind speed, and night sky characteristics. We will consider computations which include these factors if presented in a usable format. We suggest that a measurement for infiltration and effect of moisture also be included in the computation.

One commenter questioned our use of the term "accepted engineering practice." We stated that structures which can be shown by accepted "engineering practice" to be equal to or more energy efficient than by the first two approaches are acceptable. The American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) methodology is an acceptable engineering practice, but we do not intend to restrict use of innovative methods by limiting the procedure to only one methodology.

One reviewer requested inclusion of detailed procedures for evaluation of innovative alternate designs. Such instructions would be inappropriate to the MPS which contain mandatory design and construction material. Innovative thermal insulation designs will be evaluated by appropriate professional staff the same as innovative materials, products and designs currently are evaluated.

607-3.5 refers to comparison of structures with same orientation and occupant usage as the design per 607-3.3 or 607-3.4. The commenter stated that there is nothing in those paragraphs for compliance purposes. Those paragraphs give freedom of design and stipulate that the design of the structure be based on the thermal advantage of the structure and not on the advantages of other variables.

One commenter felt that 607-3.5a is discriminatory because it requires alternates to be cost effective to the energy consumer. We do not agree since the basic requirements were determined to be cost effective for the consumer.

607-3.6 Basement or Crawl Space Foundation Walls

Several commenters felt that 607-3.6 is not stringent enough for basement or crawl space foundation walls. When the studies the commenters reference are published, we will be in a better position to amend the minimum requirements in Table 6-7.2. The Section is amended to include recreation rooms since these rooms usually are heated for the comfort of occupants. This addition should correct the deficiencies of this paragraph.

Other commenters felt that no insulation should be required for below grade walls whether or not the space is occupied. The studies mentioned above will have to be reviewed before changes are considered.

Section 607-3.7 Slab-on-Grade Floors

A few commenters recommended increased perimeter insulation. We will consider the advisability of this in future revision of our thermal insulation requirements. This section was not changed and was not a part of this revision.

607-4 Caulking

Several commenters expect that compliance with 607-4 which requires caulking of potential air leakage joints will seriously affect the odor and moisture problems in a home by limiting infiltration of nonconditioned air. Since infiltration air is one of the largest sources of energy loss in the house, it

must be corrected by tightening up the house to reduce the loss. The minimum air ventilation by infiltration necessary for the safety of the occupant has not been determined. The figures used in the past were too broad since they were determined at a time when energy sources were cheap and considered almost inexhaustible. We now recognize a need for a change. However, we also see the potential for problems arising from a reduced amount of permitted infiltration. One such potential problem is addressed by the requirement of combustion air from outside the conditioned space.

As suggested by a commenter we will include the various points of caulking in the Manual of Acceptable Practices (MAP). We do not feel that the procedure should be in the MPS. There was no attempt to make the requirement for caulking a specific methodology; various methods will be included in the MAP.

Some commenters expressed concern about excessive moisture and odor problems when a residence is tightly caulked; however, we do not anticipate these to be unsolvable.

604-7 Masonry Fireplaces

Two commenters claimed discrimination against masonry fireplaces which must be "safe, durable and suitable for its intended use" while the same language is not used for factory-built fireplaces. Factory-built fireplaces must be approved as a result of tests and listed by a nationally recognized testing laboratory. In addition, these units must be installed in accordance with the conditions of the listing. These and other requirements assure their safety and durability.

One commenter criticized this section because it does not specify how the air intake is to be controlled, installed, and constructed and of what material. The MPS contain mandatory criteria. They are not a collection of "how-to" information. Such information can be found in various technical publications.

One commenter felt that our requirement for combustion air discouraged the installation of fireplaces. The intent of the requirement is to save energy, we hope it will not discourage the installation of fireplaces for those who want them.

As suggested by a commenter, Section 604-7.1 is reworded for clarity and specificity as follows: "Fireplace construction shall be safe, durable and suitable for its intended use. All site-built fireplaces, solid fuel or gas burning, shall be provided with a source of combustion air from outside the conditioned atmosphere of the house, directed (1) into the combustion

chamber proper, or (2) into the room and along the same wall in close proximity to where the fireplace is located. The combustion air supply duct shall be sized for the flow of air needed by the fireplace and shall be not smaller than the smoke pipe or the flue pipe."

610-1 Factory-Built Fireplaces and Fireplace Stoves

As recommended by a commenter, this Section is changed to read: "All factory-built fireplaces, fireplace stoves and other devices and appliances burning solid fuels shall be provided with a source of combustion air from outside the conditioned atmosphere of the home, directed (1) into the combustion chamber proper, or (2) into the room and along the same wall in close proximity to where the appliance is located. The combustion air supply duct shall be sized for the flow of air needed by the appliance and shall be equal to or larger in area than (1) the smoke pipe or connector pipe of the device, or (2) the air inlet opening of the device whichever is smaller."

615-2.6 Combustion Air

Most comments pertaining to this paragraph were favorable to the requirement for combustion air source from outside the conditioned envelope of the house. Since houses are being built tighter and there may not be sufficient air for combustion, we would expect the amount of air supply to comply with NFPA Standards 31 and 54 for equipment located in unventilated spaces. To clarify this matter, this section is changed as follows: "Furnaces, boilers and domestic water heaters energized by fossil fuels shall be sealed combustion types or shall be separated from the conditioned atmosphere of the home. Combustion and ventilating air shall be provided in required amounts from outside the conditioned atmosphere of the home in accordance with the requirements of NFPA Standards 31 and 54."

As mentioned by one reviewer, any code requirement for the use of electronic ignition devices and automatic flue dampers or chimney locks may increase further the energy savings and are acceptable in addition to this requirement. However, each must conform to applicable standards assuring safety of operation.

A commenter believes direct vent water heaters are not adaptable to typical American construction; however, such heaters are not required by the MPS.

A few commenters felt the combustion air requirement is premature and should be deleted, one suggested adoption of Chapter 6, Section 610 of the Uniform

Mechanical Code and ANSI Standard Z-223.1, National Fuel Gas Code. The commenters miss the point of heat loss due to infiltration.

One commenter pointed out the difficulty of isolating and insulating the furnace from the rest of the house; however, many such installations already exist (closet installation) and are proving satisfactory.

A commenter felt that our requirement for outside combustion air does not go far enough and that we should require an airtight seal on the glass door separating the fireplace from the living space. A glass door while desirable is not necessary to the efficient operation of an outside combustion air system; therefore, it is not required by the MPS.

Appendix C

One commenter requested that perimeter insulation be permitted to be material covered under Federal Specifications HH-I-524, Type I. The higher density Type II material is necessary because its ultimate strength is compatible with structural requirements.

Since we need some suitable reference for acceptance of a material, and since some insulations have no such reference, we heartily accept the offer of the plastic industry to submit data to permit issuance of Materials Releases or Use of Materials Bulletins.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

The Secretary has determined that the adoption of these urgently needed requirements cannot be deferred pending further public comment as requested by several commenters; however, the rule will be adopted on the interim basis to permit interested persons to submit additional responses. Comments should be sent to the Rules Docket Clerk at the above address. All comments received will be considered before adoption of the final rule. Comments are available for inspection and copying in the office of the Rules Docket Clerk at the above address.

For clarity, the Handbook section will be cited followed by the revised language. Accordingly, Handbook 4900.1, Minimum Property Standards for One- and Two-Family Dwellings,

incorporated by reference in 24 CFR 200.933, is revised as follows:

507-3.4 Conditions of Use

a. Foam plastic insulation surfaces shall have a flame spread rating of 0-75 tested in accordance with ASTM E-84. In all habitable rooms and in nonhabitable areas such as utility rooms, garages and basements using foam plastic for insulation, the insulation shall be installed within the cavity or on the exterior of a masonry wall or shall be separated from the building interior by a material having a finish rating of at least 15 minutes such as 1/2 in. gypsum wall board.

b. When installing insulation in attics and eave vents are provided, a one in. clearance under the roof deck must be allowed to permit the upward flow of the incoming air above the surface of the insulation. To insure that the clearance is provided when blown or poured type insulation is used, baffles of durable material shall be installed prior to the insulation.

c. Vermiculite and perlite used as a fill insulation in masonry walls shall be of the water repellent type.

506-5.1 General

When metal windows or sliding glass doors are proposed in areas subject to a winter design temperature of 10° F or lower insulating frames shall be provided. Criteria shall be as set forth in AAMA 1502.6, Voluntary Standards and Tests of Thermal Performance of Residential Insulating Windows and Sliding Glass Doors. Where wood is used as the insulator it shall be water repellent preservative treated.

607-3 Building Insulation

607-3.2 Overall Coefficient of Heat Transmission

a. All buildings which are heated or cooled mechanically shall be constructed to comply with the U values shown in Table 6-7.1. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607-3.3 Component Coefficient Values

For ceilings, walls, floors and openings, U values shall not exceed those shown in Table 6-7.1.

607-3.4 Alternate Performance Criteria

a. As an alternative to conformance with Table 6-7.1, dwellings which conform to the performance criteria of this section shall be considered acceptable.

b. U (gross wall)—Total exterior wall area (opaque wall and window and door) shall have a combined thermal transmittance value (U value) not to exceed the values shown in Figure 1. Equation 1 shall be used to determine acceptable combinations to meet the requirements of Figure 1.

Table 6-7.1.—Maximum U Values for Ceiling, Wall and Floor Sections for Electric Resistance Heat (E.R.) and Heat Pump or Fossil Fuel Heat (F.F.)¹

Winter Degree Days (65 F) Base	Ceilings ²		Walls		Floors ³		Windows ⁴		Sliding Glass Doors ⁴		Storm Doors ⁵	
	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.
0-1000	.050	.050	.08	.08	—	—	1.13	1.13	1.13	1.13	No	No
1001-2500	.040	.050	.07	.08	—	—	.89	1.13	.89	1.13	*No	No
2501-3500	.030	.040	.05	.08	.07	—	.89	1.13	.89	1.13	*No	No
3501-4500	.030	.030	.05	.07	.05	.07	.89	.89	.89	.89	*No	*No
4501-6000	.030	.030	.05	.07	.05	.07	.47	.89	.89	.89	Yes	*No
6001-7000	.026	.030	.05	.07	.05	.07	.47	.89	.89	.89	Yes	*No
7001 +	.026	.026	.05	.05	.05	.05	.47	.47	.89	.89	Yes	Yes

¹For areas of 5000 winter degree days (WDD) or less, houses using heat pumps may be insulated to levels required for fossil fuels. In areas above 5000 WDD, houses air to air heat pumps with electric resistance supplemental heat shall be insulated to levels required for electric resistance (ER) heating.

²Includes roof/ceiling assemblies, in which the finished ceiling is the underside of the roof deck.

³For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces.

A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F.

Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

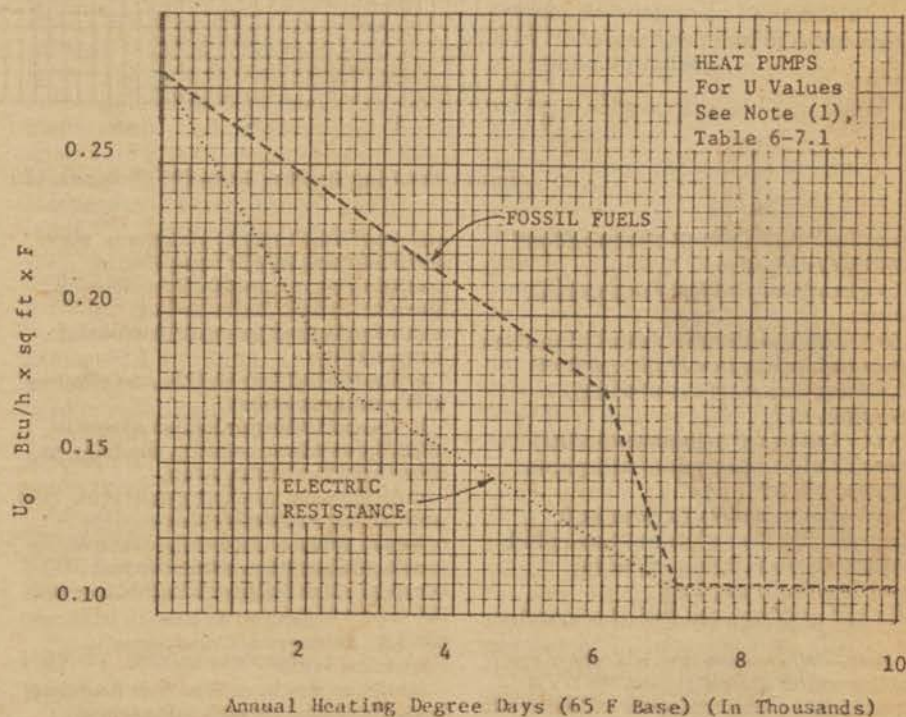
Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

⁴Maximum glass area shall not exceed 15 percent of the gross area of all exterior walls enclosing heated spaces, except when demonstrated that the winter daily solar heat gain exceeds the 24 hour heat loss and the glass area is properly screened from summer solar heat gain. In areas where cooling is the predominant load and the heating is insignificant (as an example, 2000 or more cooling hours and 2000 or less winter degree days), the maximum glazing area stated above may be waived when glass area is properly screened from solar heat gain. Any additional glass area shall have a significant portion of operable sash in order to provide natural ventilation.

⁵A 1 1/2 inch metal faced door system with an insulated core and durable weatherstripping providing a U value equal or better than 0.32, and an infiltration rate no greater than .50 cfm per foot of crack length, tested according to ASTM E-283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All exterior doors shall be weatherstripped.

⁶In areas with 1501 or more winter degree days, a storm door is required when the primary door is a hollow core door or is over 25% glass.

GROSS WALLS - FIGURE 1



Equation 1 Formula for Determining Combinations

(See Figure 1)

$$U_o = (U_{wall}A_{wall} + U_{window}A_{window} + U_{door}A_{door})/A_o$$

where:

U_o = the average thermal transmittance of the gross wall area, Btu/h x sq ft x F

A_o = the gross area of all exterior walls enclosing heated spaces, sq ft

U_{wall} = the thermal transmittance of all

elements of the opaque wall area, Btu/h x sq ft x F

A_{wall} = opaque wall area enclosing heated spaces, sq ft

U_{window} = the thermal transmittance of the window area, Btu/h x sq ft x F

A_{window} = window area (including sash), sq ft

U_{door} = the thermal transmittance of the door area, Btu/h x sq ft x F

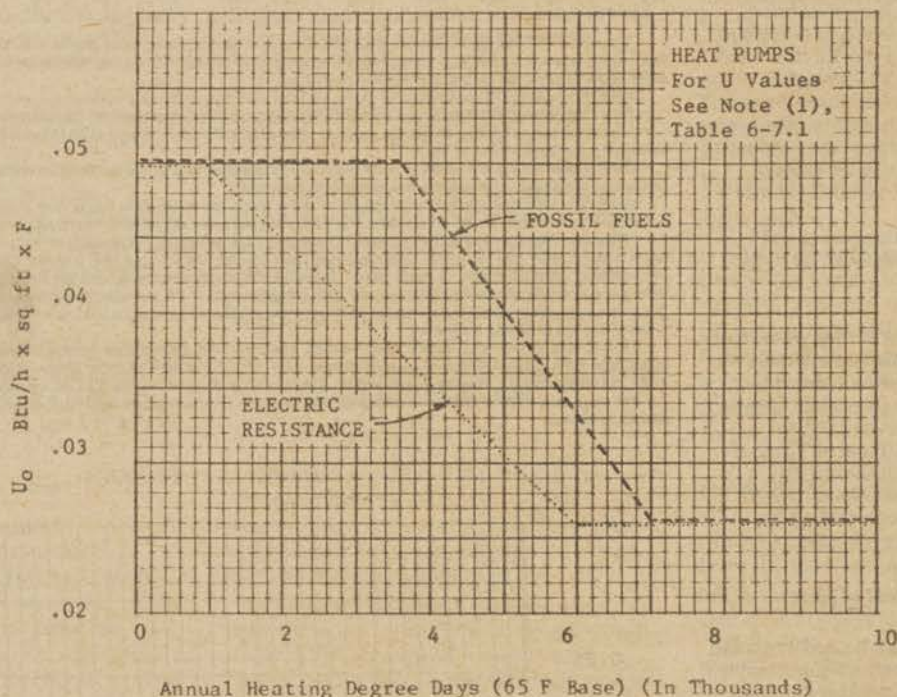
A_{door} = door area (including sash), sq ft

Note.—Where more than one type of wall, window and/or door is used, the $U \times A$ term for that exposure shall be expanded into its sub-elements, as:

$U_{wall_1}A_{wall_1} + U_{wall_2}A_{wall_2}$, etc.

c. U (gross ceiling)—Total ceiling area (opaque ceiling and skylights) shall have a combined thermal transmittance value (U value) not to exceed the values shown in Figure 2. Equation 2 shall be used to determine acceptable combinations to meet the requirements of Figure 2.

GROSS CEILING — FIGURE 2



Equation 2 Formula for Determining Roof/Ceiling Combinations

$$U_o = (U_{roof}A_{roof} + U_{skylight}A_{skylight})/A_o$$

where:

U_o = the average thermal transmittance of the gross roof/ceiling area, Btu/h x sq ft x F

A_o = the gross area of a roof/ceiling assembly, sq ft

U_{roof} = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/h x sq ft x F

A_{roof} = opaque roof/ceiling area, sq ft

$U_{skylight}$ = the thermal transmittance of all skylight elements in the roof/ceiling assembly, Btu/h x sq ft x F

$A_{skylight}$ = skylight area (including frame), sq ft

Note.—Where more than one type of roof/ceiling and/or skylight is used, the $U \times A$ term for that exposure shall be expanded into its sub-elements, as:

$U_{roof_1}A_{roof_1} + U_{roof_2}A_{roof_2}$, etc.

607-3.5 Overall Structure Performance Alternative

Structures which can be shown by accepted engineering practice to have energy consumption equal to or less than that which would be obtained by conformance to the criteria of 607-3.3 or 607-3.4 shall be considered acceptable. The contribution of passive solar energy and the related storage

and reradiation capacity of masonry, water and other mass may be recognized in computing energy consumption under this alternate method. The following requirements shall govern in determining comparability:

a. The methodology shall be cost effective to the energy consumer.

b. The methodology shall not adversely affect the structural capacity, durability, or safety aspects of the structure.

c. All data and calculating must show valid performance comparisons between the proposed option and a structure comparable in size, configuration, orientation and occupant usage designed in accordance with 607-3.3 or 607-3.4.

607-3.6 Basement or Crawl Space Foundation Walls

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. Foundation walls of heated areas below grade need not be insulated except where recreation or similar use rooms or habitable rooms are provided or where more than 50 percent of the wall is exposed to outside air. The U value of foundation wall sections shall not exceed the value shown in Table 6-7.2 except where the alternative methods shown in 607-3.4 or 607-3.5 are employed and

foundation walls are included in the determination of the average thermal transmittance of the gross wall area.

Table 6-7.2.—Maximum U Values of the Foundation Wall Sections of Heated Basement or Heated Crawl Space.

Winter degree days (65°F base)	Maximum U value
2500 or less	No requirement.
2501 to 4500	0.17.
4501 or more	0.10.

607-4 Caulking

Caulk, provide gasket(s) or otherwise seal around all openings in the exterior envelope of the conditioned atmosphere of the home, at all joints between dissimilar materials and at junctions of major components such as wall-to-floor, etc. Caulking shall be silicone rubber base or butyl rubber base, conforming to Federal Specifications TT-S-1543 and TT-S-1657 respectively, or materials demonstrating equivalent performance in resilience and durability.

607-4 Flashing and 607-5 Gutters and Downspouts will be renumbered 607-5 and 607-6 respectively.

604-7 Masonry Fireplaces

604-7.1 General

Fireplace construction shall be safe, durable and suitable for its intended use. All site-built fireplaces, solid fuel or gas burning, shall be provided with a source of combustion air from outside the conditioned atmosphere of the house, directed (1) into the combustion chamber proper, or (2) into the room and along the same wall in close proximity to where the fireplace is located. The combustion air supply duct shall be sized for the flow of air needed by the fireplace and shall be not smaller than the smoke pipe or the flue pipe.

610-1 Factory-Built Fireplaces and Fireplace Stoves

All factory-built fireplaces, fireplace stoves and other devices and appliances burning solid fuels shall be provided with a source of combustion air from outside the conditioned atmosphere of the home, directed (1) into the combustion chamber, or (2) into the room and along the same wall in close proximity to where the appliance is located. The combustion air supply duct shall be sized for the flow of air needed by the appliance and shall be equal to or larger in area than (1) the smoke pipe or connector pipe of the device, or (2) the air inlet opening of the device whichever is smaller.

615-2.5 Combustion Air

Furnaces, boilers and domestic water heaters energized by fossil fuels shall be sealed combustion types or shall be separated from the conditioned atmosphere of the home. Combustion and ventilating air shall be provided in the required amounts from outside the conditioned atmosphere of the home in accordance with the requirements of NFPA Standards 31 and 54.

Appendix C

507-3 Building Insulation

Cork Board	FS HH-I-561.
Cellular Glass	FS HH-I-551.
Cellulose, Vegetable or Wood Fiber	FS HH-I-515.
Expanded Polystyrene Insulation Board	FS HH-I-524.
Fiberboard	FS LLL-I-35 Class C or E or ASTM C-209.
Insulation Board (Urethane)	FS HH-I-530.
Mineral Fiber, Board (Roof)	FS HH-I-526.
Mineral Fiber, Insulation Blanket	FS HH-I-521.
Mineral Fiber, Pneumatic or Poured	FS HH-I-1030.
Perimeter Insulation	FS HH-I-524 Type II FS HH-I-558, Form A, Class I or 2.
Perlite	FS HH-I-574 or ASTM C-549.
Reflective, Thermal	ES HH-I-1252.
Structural Fiberboard Insulating Roof Deck	AIMA IB Spec. No. 1.
Urea-Based Foam	UM-74.
Vermiculite (used as masonry wall filler).	FS HH-I-585 Class 2.
(for other uses)	ASTM C-516.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., March 9, 1979.

Morton Baruch,
Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[Docket No. R-78-833]

[FR Doc. 79-11480 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

Urban Development Action Grants; Correction

AGENCY: Department of Housing and Urban Development.

ACTION: Correction of Interim Rule.

SUMMARY: Section 24 CFR 570.452 is being corrected to remove errors appearing in the interim rule published October 30, 1978.

FOR FURTHER INFORMATION CONTACT: Sarah Underwood or Catherine Hare, Office of Action Grants, Department of Housing and Urban Development, Room 7232, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-6284 or (202) 472-3980.

SUPPLEMENTAL INFORMATION: The interim rule published on October 30, 1978 (43 FR 50668) incorrectly cited § 570.452(b)(1)(ii) as the subsection affected by the change. The citation should have been to § 570.452(b)(1)(i) since § 570.452(b)(1)(ii) has not been changed since its publication in final form on January 10, 1978 (43 FR 1604).

The October 30, 1978 interim rule also, inadvertently, omitted the phrase "other cities over 50,000 population" from the heading of § 570.452(b)(1) and the language in § 570.452(b)(1)(i) which reads " * * * other cities (including eligible towns, townships or municipios) over 50,000 population * * * ". A new § 570.452(c) was added, which resulted in the redesignation of formerly numbered § 570.452(c), *Results in providing housing*, as § 570.452(d). The need to redesignate the former § 570.452(d), *Results in providing equal opportunity*, as § 570.452(e) was omitted and is corrected now.

Accordingly, HUD Docket No. R-78-578, published October 30, 1978 (43 FR 50668) is corrected to read as follows:

Section 452(b)(1) (c), (d) and (e) are amended to read as follows:

§ 570.452 Eligible applicants

(a) * * *

(b) *Minimum standards of physical and economic distress—(1) Metropolitan cities, other cities over 50,000 population, and urban counties.* (i) Applicants which are metropolitan cities, other cities (including eligible towns, townships, or municipios) over 50,000 population, and urban counties must meet three of the six minimum

standards of physical and economic distress, based on data for the community as a whole, which HUD will, from time to time, issue in notice form. The HUD notice will establish minimum levels which applicant must meet in the following areas:

- (A) Age of housing.
- (B) Per capita income.
- (C) Population lag/decline.
- (D) Unemployment.
- (E) Job lag/decline.
- (F) Poverty.

If the applicant's percentage of poverty is less than one-half of the HUD established standard, the applicant must meet four of the six factors.

(e) *Results in providing equal opportunity.* * * *

(Sec. 7(d) of the HUD Act (U.S.C. 3535(d))

Issued at Washington, D.C., April 11, 1979.

[Docket No. R-79-578]

[FR Doc. 79-11736 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the Interim Regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). This valuation is necessary because under section 4041 of ERISA, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in investment markets. This amendment adopts the rates and factors applicable to plans that terminated on or after September 1, 1978, but before March 1, 1979, and will enable the PBGC to value the benefits provided under those plans.

In addition, PBGC hereby notifies the public that hereafter it will issue new interest rates and factors as final rules without first publishing them in a Notice of Proposed Rulemaking.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On

November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulae for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulae. Because these rates and factors must be reflective of investment experience, it is necessary to update the rates and factors periodically. When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before September 1, 1978. (42 FR 2678 *et seq.*, 42 FR 32777 *et seq.*, 42 FR 41858 *et seq.*, 42 FR 59753 *et seq.*, 43 FR 10559 *et seq.*, 43 FR 25337 *et seq.*, 43 FR 55240 *et seq.*, 44 FR 3971 *et seq.*).

On February 20, 1979, the PBGC published for comment in the *Federal Register* interest rates and factors for valuing benefits in plans that terminated on or after September 1, 1978, but before March 1, 1979 (44 FR 10398 *et seq.*). In addition, the PBGC solicited comments on its proposal that in the future, new interest rates and factors be issued in final form without first being published in a Notice of Proposed Rulemaking.

Comments Received

PBGC received only one comment regarding the proposed interest rates and factors. That comment was favorable, stating that the new rates and factors appear reasonable. In response to the proposal regarding the future issuance of new interest rates and factors in final form without first publishing them in a Notice of Proposed Rulemaking, the PBGC received two comments.

One comment endorsed the proposal because it will enable PBGC to promulgate new rates more quickly. The comment also suggested that PBGC develop a method for issuing prospective interest rates and factors so that plan administrators do not have to make multiple benefit valuations, one based on the published rates and factors available at the time a Notice of Intent to Terminate is being prepared and the second based on subsequently issued rates and factors that are applicable at the date of termination. As noted in the proposal, such a project is currently under development and is expected to be completed in the near future. (See the PBGC's Semiannual Agenda of Regulations, 43 FR 59942, Item 3, (December 22, 1978)).

The second comment also supported the proposal, but suggested that where the change in interest rates and factors would result in a significant increase in the value of guaranteed benefits under a plan, the new interest rates and factors should be issued first in proposed form in order to allow the plan administrator sufficient time to determine if it is more advantageous to terminate under the prior rates rather than under the proposed rates.

Adoption of the procedure suggested in this comment would not enable plan administrators to choose between the prior and the proposed rates. This is because PBGC interest rates and factors are currently established on a retrospective basis, and thus under the proposal, new rates would still not be issued until after the beginning of the period for which they are applicable (although they would be issued more promptly than under the present system). In other words, at the time new rates are issued (whether in proposed or final form), the time period during which the prior interest rates and factors were applicable has already expired. Since a plan administrator must notify PBGC of a plan termination at least ten days prior to the proposed date of termination, by the time new rates and factors are issued, it is too late to terminate a plan under the prior rates.

Therefore, since none of the comments objected to the interest rates and factors proposed for the September 1, 1978-March 1, 1979 period, and since all were generally favorable to the proposal that future rates and factors be issued in final form without first being issued in proposed form, the PBGC hereby adopts the proposed interest rates and factors and the proposed new procedure without change.

The PBGC has determined that this amendment to the Valuation of Benefits

regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

Because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after September 1, 1978, but before March 1, 1979, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations, is amended by adding a new Table XIII to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Deferred Annuities

XIII. The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after September 1, 1978, but before March 1, 1979.

I. Interest rate for valuing immediate annuities.—An interest rate of 7½ percent shall be used to value immediate annuities, to compute the quantity "G_y" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. Interest rate for valuing death benefits.—An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. Interest rates and quantities used for valuing deferred annuities.—The following factors shall be used to value deferred annuities pursuant to § 2610.6:

- (1) $k_1 = 1.0675$.
- (2) $k_2 = 1.0475$.
- (3) $k_3 = 1.035$.
- (4) $n_1 = 7$.
- (5) $n_2 = 10$.

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 10th day of April 1979.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of

Directors authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 79-11675 Filed 4-13-79; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy: (1) has determined that USS NASSAU (LHA-4) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval aircraft carrier; and (2) has found that USS NASSAU (LHA-4) is a member of the LHA 1 class of ships, exemptions for which have previously been granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 23, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. D. Seiders, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, DC, Telephone number (202) 694-5188.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS NASSAU (LHA-4) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the centerline positioning of masthead lights; Annex I, section 2(g) regarding the height above the hull of the sidelights; and Annex I section 3(b) regarding the positioning of the sidelights in relationship to the forward masthead light. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the

special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS NASSAU (LHA-4) is a member of the LHA 1 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class found in the existing tables of § 706.3 are equally applicable to USS NASSAU.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Two of § 706.2 is amended as follows to indicate certifications issued by the Secretary of the Navy:

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Side lights, distance below light dk in meters; § 2(g), Annex I	Side lights distance forward of forward masthead light in meters; § 3(b) Annex I
USS BELLEAU WOOD	LHA-3			
USS NASSAU	LHA-4	10.0	2.7	72.4

Effective Date: The effective date of this amendment will be March 23, 1979.

Dated: March 6, 1979.

W. Graham Claytor, Jr.

Secretary of the Navy.

[FR Doc. 79-11669 Filed 4-13-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 718

Missing Persons Provisions; Miscellaneous Amendments

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR Part 718, relating to implementation of the Missing Persons Act, in order to reflect changes in eligibility criteria regarding transportation of dependents and disposition of personal effects in certain instances. In addition, this amendment reflects recent name changes of organizations administering the Missing Persons Act under authority delegated by the Secretary of the Navy. The

intended effect of these changes is that members of the public will be apprised of current agency rules regarding implementation of the Missing Persons Act.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gerald J. Kirpatrick, JAGC, U.S. Navy, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, telephone number (202) 694-5267.

SUPPLEMENTARY INFORMATION:

Pursuant to the authority conferred in 5 U.S.C. § 301, the Department of the Navy amends 32 CFR Part 718. These amendments reflect organizational name changes and a recent change in procedures dealing with disposition of personal effects in certain instances, as well as eligibility criteria for

transportation of dependents at government expense. These amendments relate to internal naval management and rules of agency procedure and practice. It has been determined that invitation for public comment on these amendments prior to adoption would be impractical, unnecessary, and contrary to the public interest and thus is not required under the rule-making provisions in Parts 296 and 701 of 32 CFR. Accordingly, 32 CFR Part 718 is amended as follows:

§ 718.3 [Amended]

1. In paragraph (a) of § 718.3, in the third line, the comma between the words "injured" and "or missing" is deleted; the words "missing for a period of 30 days" are revised as follows:

(Only when the anticipated period of hospitalization or treatment is expected to be of prolonged duration as shown by a statement of the commanding officer at the receiving hospital), missing for a period of 29 days * * *

2. Paragraph (d)(3) of § 718.3 is revised as follows: (3) When it is impracticable to divide the personal effects of a person into equal shares, and two or more persons within a class, as provided in 10 U.S.C. section 2771, are entitled to receive the effects but cannot agree among themselves as to which one of them shall receive the effects, then all of the effects will be retained by either the Personal Effects Distribution Center at Norfolk, Virginia, or the Personal Effects Distribution Center at Oakland, California, for a period of two years from the date of death of the member. At the expiration of the two-year period such effects will be sold.

§ 718.4 [Amended]

3. In the second line of § 718.4, the word "Affairs" is changed to "Services;" in the fourth line, the word "of" is changed to "in;" in the sixth line, the words "Personnel Department" are changed to "Manpower Department (Code MSPA);" in the eighth line, the word "of" is changed to "in;" and finally, in the tenth line, the word "necessary" is deleted.

Dated: April 6, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-11734 Filed 4-15-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 80 and 95

Navigation Requirements for Certain Inland Waters and for Western Rivers Demarcation Line

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The amendments in this document define the demarcation line between the areas where the Inland Rules and Western River Rules apply on the Port Allen-Morgan City Alternate Waterway and Landside Route. Reports of vessel incidents reveal that confusion exists as to where which set of rules apply. This document will make clear the demarcation line, thus reducing the possibility of collisions.

EFFECTIVE DATE: May 15, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Foley, (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The Coast Guard is adding a new section to Parts 80 and 95 to specify the lines of demarcation between the Inland Rules of the Road and the Western Rivers Rules of the Road on the Port Allen-Morgan City Alternate Waterway and on the Port Allen-Morgan City Landside Route.

Reports received of incidents on these waterways show some confusion as to which set of rules apply. The need for uniform use of navigation rules to enhance vessel safety requires that the lines of demarcation for Inland and Western Rivers Rules of the Road in these waterways be published. A collision between two towing vessels at mile 45 of the Port Allen-Morgan City Alternate Waterway resulted in a 1967 court decision in *Bartlett Line v. Alamo Chemical Transportation Co.*, 271 F. Supp. 482 (W.D. La., 1967), which ruled that the vessels were subject to the Western Rivers Rules of the Road.

In a review of the case and other available data, the Chief Counsel of the Coast Guard indicated that it would be necessary to establish demarcation lines. The 1967 ruling, that determined the Port Allen-Morgan City Alternate Waterway to be subject to the Western Rivers Rules of the Road makes it necessary for the Coast Guard to establish a demarcation line drawn at the juncture of the Atchafalaya River and the Alternate Route. Downstream

from this demarcation line the Inland Rules of the Road will apply.

The Port Allen-Morgan City Landside Route was not at issue in the 1967 court case. However, the Chief Counsel's review of this question determined that the Inland Rules of the Road should be applied to this waterway because it is tributary to the East-West Intracoastal Waterway, which is tributary to both the Mississippi and Atchafalaya Rivers below the demarcation lines for Inland Rules on those rivers. In this instance the Chief Counsel recommended that the demarcation line be drawn across the Landside Route at its juncture with the Alternate Route. Downstream from this line the Inland Rules will apply.

Since these amendments are statements of policy and interpretation with respect to the administration and enforcement of the "Rules of the Road Western Rivers" they are exempt from the requirement for notice and may be made effective in less than 30 days (5 U.S.C. 553).

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Tim Foley, Project Manager, Office of Marine Environment and Systems, and Lieutenant G. S. Karavitis, Project Counsel, Office of the Chief Counsel.

Accordingly Chapter I of Title 33, Code of Federal Regulations is amended as follows:

1. By adding a new § 80.04.

§ 80.04 Demarcation lines between "Rules of the Road-Inland Waters" and "Rules of the Road-Western Rivers."

The demarcation lines between the "Rules of the Road—Inland Waters" and the "Rules of the Road—Western Rivers" are as follows:

(a) At the juncture of the Atchafalaya River and Port Allen to Morgan City Alternate Waterway, a line drawn through the light structure at mile 2.25 Morgan City-Port Allen Alternate Route perpendicular to the mainstream of the river.

(b) At the juncture of the Port Allen-Morgan City Alternate Waterway and Port Allen-Morgan City Landside Route, a line drawn across the Landside Route following the contour of the East Bank of the Morgan City-Port Allen Alternate Route.

2. By amending § 95.02(b) to read as follows:

§ 95.02 Demarcation lines between "Rules of the Road-Western Rivers," "Rules of the Road-Great Lakes," and "Rules of the Road-Inland Waters."

* * * * *

(b) The demarcation lines between the "Rules of the Road-Western Rivers" and the "Rules of the Road-Inland Waters" are as follows:

(1) At the juncture of the Atchafalaya River and the Port Allen to Morgan City Alternate Waterway, a line drawn through the light structure at mile 2.25 Morgan City-Port Allen Alternate Route perpendicular to the mainstream of the river.

(2) At the juncture of the Port Allen-Morgan City Alternate Waterway and Port Allen-Morgan City Landside Route, a line drawn across the Landside Route following the contour of the East Bank of the Morgan City-Port Allen Alternate Route.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6 (b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1); 49 CFR 1.46 (b)).

Dated: April 10, 1979.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

[CGD 76-129]

[FR Doc. 79-11776 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 82

COLREGS Demarcation Lines; Massachusetts and Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This rule removes the COLREGS Demarcation Lines from Nantucket and Vineyard Sounds, Massachusetts and all Alaskan waters, thereby making them subject to the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). The Coast Guard has determined that certain portions of the present lines extending beyond the territorial sea (three mile limit) of the United States are inconsistent with the provisions of the 72 COLREGS. This rule is designed to correct this situation. The Coast Guard is currently reviewing demarcation lines in other areas of the country to determine if similar problems exist.

EFFECTIVE DATE: This rule is effective on May 1, 1979.

ADDRESS: Comments on this rule may be submitted to Commandant (G-CMC/81) (CGD 79-036), U.S. Coast Guard, Washington, DC 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of

Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (jg) George W. Molessa, Jr., Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, Washington, DC 20590, (202) 426-4958.

SUPPLEMENTARY INFORMATION: Persons submitting comments on this rule should include their names and addresses, identify the docket number (CGD 79-036), and give reasons for their comments. Based upon comments received, this rule may be modified or supplemented. This rule is issued without prior opportunity for public comment on its contents. Since it has been determined that the present demarcation lines are inconsistent with the 72 COLREGS, the Coast Guard is obligated to relocate them without undue delay. Additionally, in view of the upcoming boating season with its increase in small vessel traffic, expeditious action is warranted. Amending the demarcation lines during the season would present a greater potential hazard to the safety of life and property at sea. Effecting the amendments prior to the increase in small vessel traffic provides lead time for mariners to familiarize themselves with the new demarcation lines and applicable rules. Therefore notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this rule effective in fewer than 30 days after publication in the *Federal Register*. However, placing this rule in effect upon publication could have adverse effects on marine safety. All mariners must be aware of the change before its effective date to ensure that all vessels in the areas affected are operated under the same rules. The effective date chosen will provide time for the Coast Guard to publicize the change in the localities affected.

Drafting Information

The principal persons involved in drafting this rule are: Lieutenant (jg) George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Counsel, Office of the Chief Counsel.

Discussion of Regulation

On November 23, 1976 the United States deposited its instrument of acceptance of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) with the

Secretary of the Intergovernmental Maritime Consultative Organization (IMCO). On March 30, 1977 the United States gave notice to IMCO that, pursuant to Article III of the 72 COLREGS, the application of the treaty was extended to the U.S. territories and possessions. The treaty entered into force on July 15, 1977 and is the law of the land.

Rule 1(a) of the 72 COLREGS provides that the rules shall be applicable to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels. Rule 1(b) provides that nothing in the rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbors, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Therefore, in general, the application of special rules (i.e., the Inland Rules) to the high seas is inconsistent with the 72 COLREGS.

Prior to the effective date of the 72 COLREGS (July 15, 1977) it was necessary to draw lines delimiting the applicability of the 72 COLREGS and the Inland Rules. These lines (COLREGS Demarcation Lines) were established by regulations published in the July 11, 1977 edition of the *Federal Register* (42 FR 35782). The demarcation lines were drawn solely to delineate those waters upon which mariners must comply with the 72 COLREGS (International Rules) and those waters upon which mariners must comply with the Navigation Rules for Harbors, Rivers, and Inland Waters (Inland Rules).

Recently the Coast Guard has reviewed charts of the COLREGS Demarcation Lines and determined that certain demarcation lines in Alaska and Massachusetts, drawn beyond the territorial sea of the United States, do not accord with the treaty. This necessitates the relocation of the lines in these areas.

In Alaska the problem was further complicated by the existence of numerous islands off its southeastern coast. The configuration of the islands combined with their applicable three mile limit creates a number of high seas "pockets" scattered throughout the islands. These pockets are located inside the COLREGS Demarcation Lines as presently drawn. After close examination of the situation it was determined to remove the lines in Alaska altogether. This ensures the use of one set of rules (International Rules) on all the waters of Alaska, thus furthering navigational safety. Upon removal of the demarcation lines, mariners will no longer have to shift

between the two sets of rules or determine which set of rules is applicable.

In Massachusetts lines are presently drawn across the high seas in Nantucket Sound. New lines could have been drawn closing off every harbor, bay or inlet on the various islands in Nantucket Sound as well as the southern coast of Massachusetts. This alternative was not adopted since the mariner would have had to constantly shift between the two sets of rules. It was determined that the best alternative would be to remove the lines, making the waters of Nantucket Sound, and the islands located therein, subject to the International Rules only. Since Vineyard Sound is adjacent to Nantucket Sound, the continued application of the Inland Rules to Vineyard Sound was evaluated. The Coast Guard considered closing off the eastern end of Vineyard Sound, keeping it Inland Rules waters, by drawing a line either from West Chop Light (on Martha's Vineyard) to Nobska Point Light or from East Chop Light (on Martha's Vineyard) to Waquoit Bay East Jetty Light. Due to the amount of common traffic between the two sounds, this alternative was not adopted. Instead, new lines were drawn through the Elizabeth Islands, making Vineyard and Nantucket Sounds International Rules waters. This provides one set of rules for the numerous vessels operating between the sounds. Also, this placement of the lines allows the waters of Martha's Vineyard to be governed by one set of rules (International Rules). Prior to this rule, the waters off the southern coast of Martha's Vineyard were subject to the International Rules, while its remaining waters were subject to the Inland Rules.

In promulgating these amendments the Coast Guard has endeavored to implement the spirit and intention of the 72 COLREGS. The 72 COLREGS do not contemplate that substantial areas of the territorial sea be Inland Rules waters. Thus, the Coast Guard has made the International Rules applicable as far shoreward as is consistent with safe navigation.

Evaluation

The Coast guard has determined that, in accordance with the Department of Transportation's notice entitled "Improving Government Regulations" (44 FR 11034), these amendments are not significant. The economic impact of these amendments is minimal and, accordingly, a full evaluation is not warranted. Many of the vessels affected by these amendments currently operate in areas of the high seas, and are

already equipped with the lights required by the 72 COLREGS.

In consideration of the foregoing, Part 82 of title 33 of the Code of Federal Regulations is amended as follows:

§ 82.140 [Deleted]

1. By deleting § 82.140.
2. By revising § 82.145 to read as follows:

§ 82.145 Race Point, Mass., to Watch Hill, R.I.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the sounds, bays, harbors, and inlets along the coast of Cape Cod and the southern coasts of Massachusetts and Rhode Island from Race Point to Watch Hill.

(b) A line drawn from Nobska Point Light to Tarpaulin Cove Light on the southeastern side of Naushon Island; thence from the southernmost tangent of Naushon Island to the easternmost extremity of Nashawena Island; thence from the southwestern most extremity of Nashawena Island to the easternmost extremity of Cuttyhunk Island; thence from the southwestern tangent of Cuttyhunk Island to the tower on Gooseberry Neck charted in approximate position latitude 41°29.1' N. longitude 71°02.3' W.

3. By revising § 82.1705 to read as follows:

§ 82.1705 Alaska.

The 72 COLREGS shall apply on all the sounds, bays, harbors, and inlets of Alaska.

§§ 82.1710, 82.1715, 82.1720, 82.1725, 82.1730, 82.1735, 82.1740, and 82.1750 [Deleted]

4. By deleting §§ 82.1710, 82.1715, 82.1720, 82.1725, 82.1730, 82.1735, 82.1740, and 82.1750.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, T.I.A.S. 8587; E. O. 11964 (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

Dated: April 11, 1979.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.
[CGD 79-036]
FR Doc. 79-11777 Filed 4-13-79; 8:45 am]
BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

Delayed Compliance Order for General Motors Corp., Delco Products Division

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to General Motors Corporation, Delco Products Division (GMC). The Order requires the Company to bring air emissions from its Boiler No. 3 at Kettering, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). GMC's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered by the Order.

DATES: This rule takes effect April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On January 23, 1979, the Regional Administrator of the U.S. EPA's Region V Office published in the *Federal Register* (44 FR 4734) a notice of setting out the provisions of a proposed State Delayed Compliance Order for GMC. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to GMC by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places GMC on a schedule to bring its Boiler No. 3 at Kettering, Ohio, into compliance as expeditiously as practicable with Regulations OAC-3745-17-7 and OAC-3745-17-10, part of the federally approved Ohio State Implementation Plan. GMC is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Section 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit GMC

to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by GMC will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that GMC is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the

need to immediately place GMC on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 14, 1979.

Douglas M. Costle,
Administrator.

1. In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.401:

§ 65.401 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
General Motors Corp., Delco Products Division.	Kettering, Ohio	None	Jan. 23, 1979	OAC-3745-17-7, OAC-3745-17-10	Jan. 1, 1979

2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: General Motors Corporation, Delco Products Division, Case No. 76-AI-245.

Stipulation

The parties hereto, General Motors Corporation and the Ohio Environmental Protection Agency, hereby stipulate as follows:

1. On February 23, 1976, General Motors Corporation, Delco Products Division, submitted to the Ohio EPA an application for a permit to install for a modification to convert Boiler No. 3 from gas/oil firing to coal firing.

2. On November 19, 1976, the Director of the Ohio EPA issued a proposed action denying the application for the reasons that: The proposed modification will result in particulate emissions in excess of that allowed by AP-3-11 (OAC 3745-17-10); the proposed modification will result in visible emissions in excess of that allowed by AP-3-07 (OAC 3745-17-07); the proposed modification will not utilize the best available technology as required by EP-30-

05(A)(3) [OAC 3745-31-05(A)(3)]; the proposed modification will not culminate in compliance within 90 days of startup of operations, as required by EP-32-02(C)(5)(b) [OAC 3745-35-02(C)(5)(b)].

3. General Motors Corporation filed a timely request for an adjudication hearing on the proposed denial on November 22, 1976.

4. The Order attached hereto represents the culmination of discussions had for the purpose of resolving the issues of fact and law in this proceeding.

5. The Order is supported by reliable, probative and substantial evidence, and is in accordance with law.

6. The Director may issue the Order by signing it and entering it upon his Journal.

7. Pursuant to Section 113(d)(2) of the Clean Air Act, as amended, the Order shall not take effect until the Administrator of the United States Environmental Protection Agency determines that it has been issued in accordance with the requirements of the Clean Air Act, as amended.

8. Upon the effective date of the Order, the Director will be deemed to have withdrawn his proposed action denying Delco Products Division's application for a permit to install Boiler No. 3 and will issue to Delco Products a permit to install for said boiler.

9. Upon the effective date of the Order, General Motors Corporation will be deemed to have withdrawn its request for an adjudication hearing, and these proceedings shall be dismissed.

10. Upon issuance of the Order, General Motors Corporation will be deemed to have waived its right to contest the reasonableness and lawfulness of the Order before the Environmental Board of Review or any court of competent jurisdiction, either in law or equity: *Provided, however*, That General Motors does not waive its right to fully defend in any enforcement action, except that in such enforcement action, General Motors may not challenge the reasonableness or lawfulness of the Order or otherwise contest the validity of the Order.

11. Upon issuance of the Order, General Motors waives its right to object to the inclusion of the requirements contained in Orders (5), (7) and (8) in the attached Order as special terms and conditions in the permit to operate, issued in accordance with Order (10) of the attached Order, for Boiler No. 3 or to appeal such inclusion of said requirements as permit terms and conditions to the Environmental Board of Review or any court of competent jurisdiction.

Dated: August 30, 1978.

Respectfully submitted,

Louis E. Tosi,

Attorney for Applicant, 300 Madison Avenue, P.O. Box 2088, Toledo, Ohio 43603.

David W. Graves, Jr.,

Attorney, General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan 48202.

Dated: August 31, 1978.

Martha E. Horvitz,

Ohio Environmental Protection Agency, Assistant Attorney General, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215.

Of Counsel:

Otis M. Smith,

General Counsel, General Motors Corporation, Legal Department, 3044 West Grand Boulevard, Detroit, Michigan 48202.

Fuller, Henry, Hodge & Snyder,

300 Madison Avenue, P.O. Box 2088, Toledo, Ohio 43603.

Before the Ohio Environmental Protection Agency

In the Matter of: General Motors Corporation, Delco Products Division, Order.

The Director of Environmental Protection (hereinafter "Director") hereby makes the following Findings of Fact and, pursuant to Section 3704.03 (S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. General Motors Corporation, Delco Products Division (hereinafter "Delco"), located at 2000 Forrer Boulevard, Kettering,

Ohio 45420, owns and operates two gas/oil fired boilers and one coal-fired boiler.

2. Said boilers are identified as follows:

Boiler No. 1, Babcock and Wilcox, 80 MMBtu per hour, gas/oil fired.

Boiler No. 2, Babcock and Wilcox, 80 MMBtu per hour, gas/oil fired.

Boiler No. 3, Riley, 150 MMBtu per hour (120,000 pounds of steam per hour), coal-fired, spreader stoker.

3. Boiler No. 3 is equipped with an opacity meter and recorder and with an oxygen analyzer.

4. In the course of operation of Boiler No. 3, air contaminants are emitted in violation of OAC 3745-17-10 and OAC 3745-17-07.

5. Delco is unable to immediately comply with OAC 3745-17-10 and OAC 3745-17-07.

6. Potential emissions of air pollutants from Boiler No. 3 are equal to or more than one hundred tons per year, and therefore this source constitutes a major stationary source as defined in Section 302(j) of the Clean Air Act, as amended.

7. Delco is using and will continue to use coal of sufficiently low sulfur content to maintain its existing status of compliance with federally promulgated sulfur oxide regulations (40 C.F.R. § 52.1881).

8. Implementation by Delco of interim control measures contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

9. The compliance schedule set forth in the Orders below requires compliance with applicable emission regulations as expeditiously as practicable.

10. The Director's determination to issue the Orders set forth below is based on his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

WHEREUPON, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Delco shall bring Boiler No. 3 into final compliance with OAC 3745-17-10 and OAC 3745-17-07, not later than July 1, 1979.

2. Delco shall install appropriate control equipment on Boiler No. 3, sufficient to control emissions of particulate matter from Delco to a rate of not greater than 0.14 pounds per million Btu input. This emission restriction is based upon a maximum heat input of 310 million Btu per hour.

3. Compliance with Order (1) above shall be achieved in accordance with the following schedule:

Receive bids—Completed.

Submit specifications and preliminary drawings—September 15, 1978.

Submit final drawings and specifications of the control equipment; obtain approval of funds; issue purchase orders—October 15, 1978.

Equipment fabrication and delivery; shut down of Boiler No. 3; commence construction—May 15, 1979.

Achieve compliance with applicable state and federal statutes and regulations—July 1, 1979.

4. Pending achievement of compliance with Order (1) above, Delco shall use the best practicable systems of emission reduction for the period during which this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim measures shall include:

a. Immediate initiation of an operation and maintenance procedure which will result in the minimization of particulate matter emissions from the boiler on a day to day basis.

b. Continued operation of existing control equipment on Boiler No. 3 so that particulate emissions do not exceed 0.30 pound per million Btu input.

c. Compliance with OAC 3745-17-07 to as great an extent as possible by operation of Boiler No. 3 at turn down ratios compatible with boiler design limits.

d. Operation of opacity meter and recorder and oxygen analyzer on Boiler No. 3. Reports of any excursions above the 20 percent opacity limitation set out in OAC 3745-17-07 shall be submitted to the Regional Air Pollution Control Agency on a quarterly basis. All stack opacity monitoring data shall be retained for at least one year and shall be available for inspection and copying by the Director or his representative.

e. The use of coal with an analysis of: less than or equal to eleven (11) percent ash; less than or equal to one (1) percent sulfur; greater than or equal to 12,000 Btu per pound of coal on an as received basis. Delco shall specify this fuel quality requirement in its purchase of fuel.

5. Commencing on July 1, 1979, Delco shall report any excursions above the 20 percent opacity limitation set out in OAC 3745-17-07 to the Regional Air Pollution Control Agency on a quarterly basis. All stack opacity monitoring data shall be retained for a minimum of one year and shall be available for inspection and copying by the Director or his representative.

6. Within two months after (1) the installation of the control equipment referenced in Order 2 above, and (2) the commencement of operation of Boiler No. 3, Delco shall perform a stack test on Boiler No. 3 of particulate emissions and submit a report of the results of such tests to the Regional Air Pollution Control Agency.

7. Delco shall submit monthly to the Regional Air Pollution Control Agency, an analysis of a representative sample of coal from each supplier on an as received basis. The representative sample shall be obtained in accordance with the method ASTM D-2234-72 or an equivalent procedure which is acceptable to the Regional Air Pollution Control Agency. This analysis shall specify the average Btu content, percent sulfur, percent ash, percent moisture, total tonnage

of coal received the previous month from each supplier, and the amount of coal burned for each month.

8. If Delco determines that the appropriate control equipment referred to in Order (2) above is either a baghouse or a scrubber, Delco shall install instrumentation to continually measure and record the pressure drop across the baghouse or scrubber. Delco shall maintain said instrumentation in good working condition. All monitoring data shall be retained for a minimum of one year and shall be available for inspection and copying by the Director or his representative.

9. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (3) above, Delco shall submit a progress report to the Regional Air Pollution Control Agency. The person submitting these reports shall certify whether each increment of progress has been achieved. If it has not been achieved, the report shall contain a detailed explanation of the reasons for the failure to achieve that increment of progress. Submission of such explanation does not excuse the failure to achieve the increment of progress.

10. Delco shall apply for and obtain a permit to operate Boiler No. 3 in accordance with OAC 3745-35-02. Said permit to operate issued for Boiler No. 3 will include special terms and conditions which incorporate the provisions of Orders (5), (7) and (8) above.

11. These Orders shall terminate upon Delco's obtaining a permit to operate for Boiler No. 3.

12. Delco is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979 may result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended. Nothing in this Order shall be construed to be a waiver by Delco of its right to challenge the reasonableness, legality, or constitutionality of the imposition of noncompliance penalties.

Ned E. Williams, P.E.,

Director of Environmental Protection.

[FRL 1073-7]

[FR Doc. 79-11641 Filed 4-13-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

Delayed Compliance Orders for Lima State Hospital, Miami University and Dayton Mental Health Center

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves Delayed Compliance Orders to Lima State Hospital, Miami University and Dayton Mental Health Center. The first Order requires Lima State Hospital to bring air emissions from its coal-fired boiler house in Lima, Ohio, into

compliance with certain regulations contained in the federally-approved Ohio State Implementation Plan (SIP) by June 1, 1978. The second Order requires Miami University to bring emissions from its power plant in Oxford, Ohio, into compliance with the Ohio plan by May 15, 1979. The last Order requires Dayton Mental Health Center to bring its power plant in Dayton, Ohio, into compliance with the Ohio plan by June 1, 1979. The facilities' compliance with the Orders will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Smith, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 353-2082.

SUPPLEMENTARY INFORMATION: On August 25, 1978, the Acting Regional Administrator of U.S. EPA's Region V Office published in the *Federal Register* (43 FR 38050), a notice setting out the provisions of proposed State Delayed Compliance Orders for Lima State Hospital, Miami University and Dayton Mental Health Center. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Orders. No public comments and no request for a public hearing were received in response to the notice.

Therefore, three Delayed Compliance Orders effective this date are approved to Lima State Hospital, Miami University and Dayton Mental Health Center by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The first Order places Lima State Hospital on a schedule to bring its coal-fired boiler at Lima, Ohio, into compliance as expeditiously as practicable with Regulations OAC-3745-17-07 and OAC-3745-17-10, part of the federally-approved Ohio State Implementation Plan. The second Order requires Miami University to bring its power plant into compliance by May 15, 1979, and the third Order requires Dayton Mental Health Center to bring its power plant into compliance by June 1, 1979. These facilities are unable to immediately comply with these regulations. The Orders also impose interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions

of these Orders are met, it will permit Lima State Hospital to delay compliance with SIP regulations covered by these Orders until June 1, 1978; Miami University until May 15, 1979; and Dayton Mental Health Center until June 1, 1979.

Compliance with the Orders by these facilities will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Orders. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Orders, and for violations of the regulations covered by the Orders which occurred before the Orders were issued by EPA or after the Orders are terminated. If the Administrator determines that these facilities are in violation of a requirement contained in the Orders, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the

Order shall be effective April 16, 1979, because of the need to immediately place Lima State Hospital, Miami University and Dayton Mental Health Center on schedules for compliance with the Ohio State Implementation Plan. (42 U.S.C. 7413(d), 7601)

Dated: March 21, 1979.

Douglas M. Costle,
Administrator.

1. In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

By adding the following entries to the table in § 65.401:

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Orders identified below have been approved in accordance with Section 113(d)(2) of the Act and with this Part. With regard to each Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Lima State Hospital	Lima, Ohio	None	Aug. 25, 1978	OAC-3745-17-07, OAC-3745-17-10.	June 1, 1978.
Miami University	Oxford, Ohio	None	Aug. 25, 1978	OAC-3745-17-07, OAC-3745-17-10.	May 15, 1979.
Dayton Mental Health Center	Dayton, Ohio	None	Aug. 25, 1978	OAC-3745-17-07, OAC-3745-17-10.	June 1, 1979.

[FRL 1009-8]

[FR Doc 79-11637 Filed 4-13-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR PART 65

Delayed Compliance Order for Buckeye Sugars, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Buckeye Sugars, Inc. The Order requires the Company to bring air emissions from its

sugar processing plant at Ottawa, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Buckeye Sugars, Inc.'s compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the *Federal Register* (43 FR 57306) a notice setting out the provisions of a proposed State Delayed Compliance Order for Buckeye Sugars, Inc. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Buckeye Sugars, Inc. by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Buckeye Sugars, Inc. on a schedule to bring its two coal-fired boilers into compliance as expeditiously as practicable with Regulation OAC 3745-17-10 and OAC 3745-17-07, part of the federally approved Ohio State Implementation Plan. Buckeye Sugars, Inc. is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Section 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Buckeye Sugars, Inc. to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by Buckeye Sugars, Inc. will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Buckeye Sugars, Inc. is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purpose of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Buckeye Sugars, Inc. on a schedule for compliance with the Ohio State Implementation Plan.

Dated: March 7, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401:

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final Compliance Date
Buckeye Sugars, Inc.	Ottawa, Ohio	None	Dec. 7, 1978	OAC 3745-17-10, OAC 3745-17-07.	July 1, 1979.

2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: Buckeye Sugars, Inc.,
Order.

The Director of Environmental Protection (hereinafter the Director) hereby makes the following Findings of Fact and, pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. Buckeye Sugars, Inc., located at 216 Williamstown Road, Ottawa, Ohio 45875, owns and operates three coal-fired boilers.

2. Said boilers are identified as follows:
Boiler No. 1, Application No. 0369000006
B002, Erie City, 39 MMBTU (20,000 pounds of steam per hour) underfeed stoker.

Boiler No. 2, Application No. 0369000006
B005, Erie City, 39 MMBTU (20,000 pounds of steam per hour) underfeed stoker.

Boiler No. 3, Application No. 0369000006
B001, Union Iron Works, 130 MMBTU (110,000 pounds of steam per hour) spreader stoker.

3. Boiler No. 3, application no. 0369000006 B001, is operating in compliance with applicable regulations and has a permit to operate from the Ohio Environmental Protection Agency (hereinafter OEPA).

4. On December 15, 1976, Buckeye Sugars, Inc. submitted an application for variances to operate Boilers Nos. 1 and 2, application nos. 0369000006 B002 and B005, respectively.

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders Issued to Major Stationary Sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to the Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

5. In the course of operation of Boilers Nos. 1 and 2, air contaminants are emitted in violation of OAC 3745-17-10 and OAC 3745-17-07.

6. Buckeye Sugars, Inc. is unable to comply with OAC 3745-17-10 and OAC 3745-17-07.

7. On March 18, 1977, the Director proposed to deny the applications for variances to operate.

8. Implementation by Buckeye Sugars, Inc. of interim control measures contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

9. Because of the poor financial condition of the sugar processing industry, the compliance schedule contained in the Orders below represents a reasonable time within which to achieve full compliance with the applicable rules and regulations. The compliance schedule set forth in the Orders below requires compliance with applicable emission regulations as expeditiously as practicable.

10. The Director's determination to issue the Orders set forth below is based on his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

WHEREUPON, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Boilers Nos. 1 and 2 shall be brought into compliance with OAC 3745-17-10 and 3745-17-07 no later than July 1, 1979.

2. Compliance with OAC 3745-17-10 and 3745-17-07 shall be achieved either by improving the efficiency of steam utilization, thereby permitting replacement of Boilers Nos. 1 and 2 with a small oil-fired boiler, or by the installation of appropriate particulate control equipment on Boilers Nos. 1 and 2, to control particulate emissions to a rate of 0.16 pounds per million BTU input.

3. Compliance with Order (1) above, shall be achieved in accordance with the following compliance schedule:

Submission of general control plans for sources, February 1, 1978.

Submission of detail control plans for sources, May 1, 1978.

Order equipment, June 1, 1978.

Submission of progress report, December 1, 1978.

Initiation of installation, March 1, 1979.

Completion of construction; stack test, July 1, 1979.

Achievement of final compliance with state and federal laws and regulations, July 1, 1979.

4. If Buckeye Sugars, Inc. determines to achieve compliance by installing control equipment on Boilers Nos. 1 and 2, then Boilers Nos. 1, 2 and 3 shall each be provided with oxygen meters and recorders for the control of excess air for the coal-fired units.

5. Compliance with OAC 3745-17-07 shall be accomplished by operation of the boilers at turn down ratios compatible with boiler design limits.

6. Pending achievement of compliance with Order (1) above, Buckeye Sugars, Inc. shall use the best practicable systems of emission reduction for the period during which this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim measures shall include:

a. The use of coal with an analysis of: less than or equal to six (6) percent ash; less than or equal to one (1) percent sulfur; greater than or equal to 12,500 BTU per pound of coal.

b. Reduction of boiler capacity by fifty (50) percent from March 1 to August 1 by operating only Boiler No. 1 or Boiler No. 2, but not both simultaneously.

c. Operation of Boilers Nos. 1 and 2 with overfire air.

d. Annual overhaul of the boilers.

7. Within five (5) days after the schedule achievement date of each of the increments of progress specified in the compliance schedule in Order (3) above Buckeye Sugars, Inc. shall submit a progress report to the Northwest District Office of the OEPA. The person submitting these reports shall certify whether each increment of progress has been achieved.

8. Buckeye Sugars, Inc. shall comply with any other emission monitoring and reporting required by Chapter 3704 of the Ohio Revised Code and the regulations promulgated thereunder.

9. Coal analysis for fuel for all boilers shall be as follows: less than or equal to six (6) percent ash; less than or equal to one (1) percent sulfur; greater than or equal to 12,500 BTU per pound of coal, as specified by

Buckeye Sugars, Inc. Buckeye Sugars, Inc. shall note this fuel quality requirement in any specifications for the purchase of fuel.

10. Emission tests shall be conducted on Boiler No. 1 or Boiler No. 2 to verify compliance with Order (1) above, if compliance is achieved by the installation of control equipment on the boilers, or on Boiler No. 3 if compliance is achieved by replacing Boilers Nos. 1 and 2 with an oil-fired boiler. Such tests shall be conducted in accordance with procedures approved by the Director. Notification of intent to test shall be provided to the Northwest District Office of the OEPA thirty (30) days prior to the testing date.

11. If Buckeye Sugars, Inc. decides to install an oil-fired boiler to replace Boilers Nos. 1 and 2, Buckeye Sugars, Inc. shall apply for a permit to install in accordance with OAC 3745-31-02.

12. Buckeye Sugars, Inc. shall apply for and obtain permits to operate Boilers Nos. 1 and 2, or the oil-fired boiler if installed, in accordance with OAC 3745-35-02.

13. Buckeye Sugars, Inc. is hereby notified that failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended, unless it is exempted under Section 120(a)(2)(B) or (C) of Clean Air Act, as amended.

Ned E. Williams, P. E.,
Director of Environmental Protection.

Waiver

Buckeye Sugars, Inc. agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. Buckeye Sugars, Inc. hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. Buckeye Sugars, Inc. also waives any and all rights it might have to seek such judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan (or portion thereof).

Paul H. Cunningham,
Authorized Representative of Buckeye Sugars, Inc.

[FRL 1061-3]
[FR Doc. 79-11636 Filed 4-13-79; 8:45 am]

BILLING CODE 6500-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 407

Canned and Preserved Fruits Point Source Subcategory; Amendment of Promulgated Effluent Limitations Regulation

AGENCY: Environmental Protection Agency.

ACTION: Amendment.

SUMMARY: This action amends the promulgated effluent limitations regulation for pickle salting stations covered by the canned and preserved fruits subcategory of the Canned and Preserved Fruits and Vegetables Point Source Category. This amendment has been necessitated by the findings of an analysis of comments and new data submitted primarily by the Pickle Packers International subsequent to final promulgation of these regulations. The purpose of the amendment is to revise the definition of pickle salting stations to include additional waste water streams, and to make commensurate increased allocations in the appropriate effluent limitations to account for these additional waste water streams.

EFFECTIVE DATE: Immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Don Anderson, Effluent Guidelines Division (WH-552), Office of Water and Hazardous Materials, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 426-2707.

SUPPLEMENTARY INFORMATION: On April 16, 1976 (41 FR 16272), EPA promulgated best practicable control technology currently available (BPT) for effluent limitation guidelines for the canned and preserved fruits subcategory (40 CFR 407.62) of the Canned and Preserved Fruits and Vegetables Point Source Category (40 CFR Part 407). Subsequent to final promulgation, the Agency received comments and new data primarily from the Pickle Packers International concerning the 1977 effluent limitation guidelines based upon the best practicable control technology currently available (§ 407.62), for fresh pack pickles, process pack pickles, and pickle salting stations. Analysis of comments and new data submitted indicates that no changes are necessary for the definition of "pickles, fresh" (§ 407.61(n)) and "pickles, processed" (§ 407.61(o)), and the respective effluent limitations contained in § 407.62. The analysis has revealed the need to modify the definition for "pickles, salt stations" (§ 407.61(p)) to include waste water contributions from spent brine, cucumber wash, tank wash, and tank soak. Additional allocations have been made to account for these contributions in the respective BOD5 and TSS effluent limitations for 1977 (§ 407.62). The definition has also been modified to make explicit the fact that at locations where both salt stations and process pack operations occur, additive allowances are to be made for both of these sources in formulation of effluent

limitations. The effluent limitations are to be calculated based upon the total annual weight (1000 lbs, kkg) of raw product processed at each of the salt station and process pack operations. Allowances for contaminated stormwater runoff should be considered in NPDES permit formulation on a case-by-case basis. Finally, it should be noted that the Pickle Packers International joined by Heinz, U.S.A. and Vlastic Foods, Inc., filed a petition (No. 76-1835) in the Third Circuit Court of Appeals for judicial review of subsections 407.62 (a) and (b) of the promulgated regulation. The petitioners have agreed to withdraw their petition.

In consideration of the foregoing, 40 CFR Part 407 is amended as set forth below.

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

Subpart F—Canned and Preserved Fruits Subcategory

1. Subpart F is amended by revising the definition for "pickles, salt stations" of § 407.61(p) as follows:

§ 407.61 Specialized definitions.

(p) the term "pickles, salt stations" shall mean the handling and subsequent preserving of cucumbers and other vegetables at salting stations or tankyards, by salt and other chemical additions necessary to achieve proper fermentation for the packing of processed pickle products. Limitations include allowances for the discharge of spent brine, tank wash, tank soak, and cucumber wash waters. At locations where both salt station and process pack operations (§ 407.61(o)) occur, additive allowances shall be made for both of these sources in formulation of effluent limitations. The effluent limitations are to be calculated based upon the total annual weight (1000 lb, kkg) of raw product processed at each of the salt station and process pack operations. Allowances for contaminated stormwater runoff should be considered in NPDES permit formulation on a case-by-case basis.

§ 407.62 [Amended]

2. Subpart F is further amended by changes in 1977 effluent limitations for BOD5 by revising the entry for "Pickles: Salt stations" in § 407.62(a) to read as follows:

(Metric units, kg/kkg of raw material; English units, lb/1000 lb of raw material)

Commodity (fruits)	BOD5 effluent limitations		
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed	Annual average shall not exceed
Pickles: Salt Stations	0.25	0.18	0.15

3. Subpart F is further amended by changes in 1977 effluent limitations for TSS by revising the entry for "Pickles: Salt stations" in the table in § 407.62(b) to read as follows:

(Metric units, kg/kkg of raw material; English units, lb/1000 lb of raw material)

Commodity (fruits)	TSS effluent limitations		
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed	Annual average shall not exceed
Pickles: Salt Stations	0.42	0.33	0.25

[FRL 1097-3]

[FR Doc. 79-11244 Filed 4-13-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

Management of Buildings and Grounds; Revision of Building Rules and Regulations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation prohibits smoking in certain areas of buildings controlled by GSA. It has become necessary to regulate smoking in certain areas of Federal buildings because smoke in a confined area may be irritating and annoying to nonsmokers and may create a potential hazard to those suffering from heart and respiratory diseases or allergies. The intent of this regulation is to provide a reasonably smoke-free environment in certain areas for those working and visiting in GSA-controlled buildings.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Winegarden, Director, Operations Division, Office of Buildings Management, General Services

Administration, Washington, D.C. 20405, 202-566-1563.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044. On September 11, 1978, there was published in the Federal Register (43 FR 40250) a notice of proposed rulemaking concerning smoking in certain areas of GSA-controlled space. Interested parties were given an opportunity to submit comments on or before November 11, 1978. All comments with respect to the proposed revision were given due consideration.

The public, special interest groups, and Government agencies responded to GSA's proposed regulations on smoking in GSA-controlled space. Responses included 125 which were supportive in nature to the need for regulations on smoking while 12 were opposed to the proposed regulations due to their objections to imposing restrictions on the rights of smokers, or due to their objection to the need to restrict smoking. Total responses received were 137.

The following is a categorized summary of comments received and actions taken:

Respondents requested additional definition of various terms used in the regulations; i.e., cost, appropriate administrative action. GSA does not wish to make administrative determinations for occupant agencies which it feels is unduly restrictive of agency operations. Agency opinions may vary with respect to what they consider appropriate action with respect to penalties, enforcement and what is costly. The cost of altering space may vary from relocating telephone outlets, etc., to major partition changes. Individual considerations of such things as time lost in mail rerouting, and overall operating efficiency will have to be made by those most closely associated with the work processes involved. The regulations as written allow adequate flexibility for these agency administrative determinations. Expanding other definitions would also be unduly restrictive. We have, therefore, taken no action to include these comments in the regulations.

Respondents requested a smoke-free environment in their workplace. GSA provides adequate ventilation in all of its buildings in accordance with industry guidelines, and/or local codes. All building air is continuously filtered through the heating, ventilating, and air-

conditioning systems. As tobacco is a legal commodity, its use cannot be completely regulated. In attempting to accommodate smokers and non-smokers, GSA believes that the regulations as written are adequate to provide for individuals to work in a relatively smoke-free environment.

Respondents requested the strengthening of the regulations or adoption of other agency regulations. Where adoption of other agency regulations and guidelines were suggested, we believe that adequate treatment of this subject is presented in the initial paragraph of the regulations. Nothing in these regulations precludes an agency from adopting more stringent rules in space assigned to them. In fact, it is intended that agencies will develop administrative procedures for resolution of problems and enforcement of these regulations.

Respondents requested wording to include the "carrying of lighted tobacco products" on elevators as prohibited activity. "Smoking" has been defined in the regulations to include this prohibition. Respondents requested wording changes be made to include meeting and hearing rooms in the regulations. GSA believes that "conference room" is normally interpreted to include meeting rooms. Hearing rooms are assigned directly to agencies; therefore, internal agency rules will apply. No change is necessary.

Respondents suggested that where adequate ventilation and smoke reducing devices exist, in auditoriums, classrooms, and conference rooms, or where participants agree to allow smoking, that consideration should be given to not prohibiting smoking. No action is being taken to include these comments in the regulations; however, we have provided that exceptions to this policy in agency assigned space may be granted on a case-by-case basis by the agency head. An example of such a request came from the Federal Mediation and Conciliation Service requesting exemption from enforcing the prohibition against smoking in mediation conference rooms. The mediation process routinely involves many hours of bargaining late into the evening and weekends. Smoking has become as much a characteristic of collective bargaining as mediation itself. The final rules will permit determinations by the agency head to permit smoking in these, or similar, circumstances.

Respondents supported opening summary comments to include affirmative wording that "smoke is a potential hazard to those suffering from

heart and respiratory diseases. . . ."

The potential hazard of secondary smoke will vary dependent upon the degree of smoke in the air and the effectiveness of ventilating system. In that context, we feel the language "smoke . . . may create a potential hazard . . ." is most appropriate for the purposes of these regulations.

Respondents recommended that supervisors must rearrange work space to accommodate requests by nonsmokers for a reasonably smoke-free work area. To require that it be mandatory to rearrange work space is not reasonable. There can be a wide variance of costs involved in rearranging work space and variance in what agencies may determine to be feasible. An agency may consider space rearrangement cost prohibitive and/or loss of operating efficiency to the extent that such rearrangement of space may not be justified. We intend that any determination should remain an agency decision, consequently, no change in the regulation is warranted. All comments have been considered. Modifications have been made to the proposed regulations as set forth below.

Subpart 101-20.1 Building Operations, Maintenance, Protection, and Alterations

Section 101-20.109-10 is revised to read as follows:

§ 101-20.109-10 Regulation of smoking.

Regulations for controlling smoking in GSA-controlled buildings and facilities are set forth below. These regulations are intended to be supplemented by additional agency action. It is not the intent of GSA to assume the enforcement role of these regulations, except in public areas or in joint-use space. It is intended that agency guidelines will provide administrative procedures for enforcement within space assigned to them and for resolution of agency/employee complaints. Local laws should also be complied with wherever applicable. "Smoking" is defined, for the purpose of these regulations to include the carrying of lit tobacco products.

(a) Smoking is prohibited in the following areas:

(1) Auditoriums, classrooms, and conference rooms. Buildings managers shall ensure that signs and adequate receptacles for smoking refuse are placed outside the entrances to auditoriums, classrooms, and conference rooms. Exceptions to this policy in agency assigned space may be granted on a case-by-case basis by the agency head.

(2) Elevators. "No smoking" signs shall be posted in elevators, and adequate receptacles shall be placed outside the entrances.

(3) Shuttle vehicles.

(4) Hazardous areas. Each agency shall post and enforce "no smoking" rules in any location under its jurisdiction which involves flammable liquids, flammable gases, or flammable vapors, or in all locations where there is a collection of readily ignitable, combustible materials.

(b) Smoking is not permitted in libraries, except in those nonstack areas that are designated as "smoking" areas. These areas shall be established by the buildings manager in collaboration with the heads of the occupant agencies.

(c) Employees occupying an office may unanimously declare that office a "no smoking" area.

(d) "No smoking" areas shall be established in cafeterias. These areas shall be designated as "no smoking" areas by each building manager, in collaboration with the heads of the occupant agencies. The areas designated shall be based upon an estimate of the number of smoking and nonsmoking patrons served. This should be adjusted on the basis of local experience. The "no smoking" areas shall be identified by appropriate signs.

(e) The establishment of "no smoking" work areas in open space should be thoroughly investigated. Supervisors should plan work space in a manner so that employees who desire a "no smoking" area can be accommodated: Provided, That (1) efficiency of work units will not be impaired, (2) additional space will not be required, and (3) costly alterations to the space or procurement of additional office equipment will not be necessary. Agencies are responsible for ensuring that "no smoking" areas are identified by appropriate signs. In establishing and continuing a smoking policy in work areas under their jurisdiction, supervisors should strive to maintain an equitable balance between the rights of nonsmokers and those of smokers.

(f) In medical care facilities such as medical clinics and health units, smoking is restricted to staff lounges, private offices, and specifically designated areas.

(g) Waiting areas shall be divided into areas designated as "smoking" and "no smoking" areas when size allows.

(h) Agencies are responsible for providing adequate noncombustible ash trays or receptacles in locations where smoking is permitted.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: April 2, 1979.

Paul E. Goulding,
Acting Administrator of General Services.
[FPMR Amdt. D-71]

[FR Doc. 79-11876 Filed 4-13-79; 8:45 am]
BILLING CODE 6820-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

Amendment of Rules Concerning the Amateur Radio Service to Permit the Acceptance by Any Commission Office of Code Credit Certificates

AGENCY: Federal Communications Commission.

ACTION: Order (rule amendment).

SUMMARY: The Commission amends § 97.25 of its rules regulating the amateur radio service to permit the acceptance by any Commission office of Code Credit Certificates. Certificates are issued to applicants for amateur radio operator licenses who have completed the telegraphy elements of their examinations but fail the written elements. This action is taken to lessen the burden on those applicants who wish to complete the examination at an office other than the one at which the telegraphy portion was taken.

EFFECTIVE DATE: April 20, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. J. B. Johnston, Private Radio Bureau, (202) 254-6884.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §§ 97.3 and 97.25(b) of the Commission's Rules; Order.

Adopted: February 22, 1979.

Released: April 6, 1979.

By the Commission.

1. By an Order released on June 7, 1978, effective June 16, 1978, the Commission amended §§ 0.314, 1.922 and 97.25 of its Rules to provide for the issuance of Amateur Code Credit Certificates by the Engineer in Charge at each of its field offices. Certificates are issued to applicants for amateur radio operator licenses who successfully complete the telegraphy element of their examinations but fail the required written element. Section 97.25(b) currently provides that upon presentation of the Certificate to the Commission within one year of the date of its issuance, the applicant will be given credit for the telegraphy element at the speed listed. The purpose of the Certificate is to allow an applicant to

receive his/her amateur license upon successful completion of the remaining examination element(s) without having to retake the telegraphy test.

2. Section 97.25(b) currently provides that an Amateur Code Credit Certificate will be honored only at the Commission office which issued it. This restriction was intended to allow Commission personnel to validate the authenticity of certificates presented for credit. However, it has also imposed a hardship on some applicants who wish to complete their examinations at an office other than the one at which they took their telegraphy test. Thus far, there has been no problem with attempts to falsify Certificates. Interim Amateur Permits and Temporary Radio Operator Authorizations may also be presented to gain examination credit toward higher classes of radio operator licenses. These documents are accepted at any Commission office and their authentication at offices other than the issuing one has not been difficult. As it appears that the more restrictive acceptance of Code Credit Certificates is unwarranted, the Commission is herewith amending § 97.25(b) to delete this restriction. Further, in order to formalize and clarify the criteria utilized for the issuance of the Certificate, the Commission now amends § 97.3 to include a definition of "Amateur Code Credit Certificate," and § 97.25(b) to specify the conditions under which such Certificates are issued.

3. As these amendments serve to clarify Commission procedures and to eliminate an unnecessary restriction, the Commission, pursuant to Section 553(b) of the Administrative Procedure Act, finds that prior public notice and the receipt of comments are unnecessary. Additionally, in order to expeditiously eliminate any confusion and inconvenience now caused to those taking amateur radio operator examinations, the Commission, pursuant to § 553(b)(3) of the Administrative Procedure Act, finds that it is desirable that these amendments be made effective with less than 30 days notice.

4. Accordingly, IT IS ORDERED, effective April 20, 1979, that Part 97 of the Commission's Rules and Regulations IS AMENDED as shown below. The authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended. For further information on these Rule changes contact Mr. J. B. Johnston, Personal Radio Branch, FCC, 1919 M Street, NW, Washington, DC 20554, Tele: (202) 254-6884.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 97.3, a new paragraph (aa) is added as follows:

§ 97.3 Definitions.

(aa) *Amateur Code Credit Certificate.* A certificate issued to applicants for an amateur operator license evidencing successful completion of a telegraphy examination element.

In § 97.25 paragraph (b) is amended to read as follows:

§ 97.25 Examination credit.

(b) Amateur Code Credit Certificates (FCC Form 845) will be issued by the engineers in Charge of FCC offices to applicants for amateur operator licenses who successfully complete telegraphy examination elements 1(A), 1(B) or 1(C), but who fail the associated written examination element(s). Upon presentation of a properly completed Amateur Code Credit Certificate, the FCC shall give the applicant for an amateur radio operator license examination credit for the code speed listed on the Amateur Code Credit Certificate. An Amateur Code Credit Certificate is valid for a period of one year from the date of its issuance.

[FCC 79-126]

[FR Doc. 79-11731 Filed 4-13-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 172

Label and Placard Colors Corrections

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Amendment corrections.

SUMMARY: This corrects several errors which occurred in the revision of APPENDIX A—HAZARDOUS MATERIALS COLOR TOLERANCE TABLES found in Docket No. HM-151A; Amdt. 172-50, published on February 15, 1979, (44 FR 9756).

DATES: The provisions of this rule are effective April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation, Washington, D.C. 20590 (phone: 202-426-2075).

In view of the foregoing, Appendix A to Part 172, Title 49 of the Code of Federal Regulations, is amended as follows:

1. The heading of Appendix A and the introductory text preceding Table 1 are revised to read as follows:

Appendix A—Office of Hazardous Materials Regulation Color Tolerance Charts and Tables

The following are Munsell notations and Commission Internationale de L'Eclairage (CIE) coordinates which describe the Office of Hazardous Materials Regulation Label and Placard Color Tolerance Charts in Tables 1 and 2, and the CIE coordinates for the color tolerances specified in Table 3. Central colors and tolerances described in Table

2 approximate those described in Table 1 while allowing for differences in production methods and materials used to manufacture labels and placards surfaced with printing inks. Primarily, the color charts based on Table 1 are for label or placard colors applied as opaque coatings such as paint, enamel or plastic, whereas color charts based on Table 2 are intended for use with labels and placards surfaced only with inks.

For labels printed directly on packaging surfaces, Table 3 may be used, although compliance with either Table 1 or Table 2 is sufficient. However, if visual reference indicates that the colors of labels printed directly on package surfaces are outside the Table 1 or 2 tolerances, a spectrophotometer or other instrumentation may be required to insure compliance with Table 3.

2. The heading of Table 1 and the entries under CIE column Y for "Blue" are revised to read as follows:

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53.)

Note.—The Materials Transportation Bureau has determined that this final rule will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582).

Issued in Washington, D.C., on April 9, 1979.

L. D. Santman,
Director, Materials Transportation Bureau.

[Docket No. HM-151A; Amdt. No. 172-50]

[FR Doc. 79-11706 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Public Entry and Use; Special Regulations for the Aleutian Islands National Wildlife Refuge, Alaska

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to public access, use and recreation of the Aleutian Islands National Wildlife Refuge, is compatible with the objectives for which this area was established, and will provide additional recreational opportunity to the public.

EFFECTIVE DATES: These regulations are effective from April 13, 1979 through March 30, 1980.

FOR FURTHER INFORMATION CONTACT: John Martin, Refuge Manager, Aleutian Islands National Wildlife Refuge, P.O. Box 5251, FPO Seattle, WA. 98791. Telephone (907) 579-8418.

SUPPLEMENTARY INFORMATION: The primary author of this document is John Martin.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act

Table 1.—Specifications for Color Tolerance Charts for Use With Labels and Placards Surfaced With Paint, Lacquer, Enamel, Plastic, Other Opaque Coatings, or Ink

Color/Series	Munsell notations	CIE data for source C		
		Y	x	y
* * * * *	* * * * *			
Blue:				
Central color	2.5PB 3.5/10	09.00	.1691	.1744
Purple	4.5PB 3.5/10	09.00	.1796	.1711
Green and vivid	10.0B 3.5/10	09.00	.1557	.1815
Grayish	2.5PB 3.5/8	09.00	.1888	.1964
Vivid	2.5PB 3.5/12	09.00	.1516	.1547
Light	2.5PB 4.0/10	12.00	.1805	.1888
Dark	2.5PB 3.0/10	06.55	.1576	.1600
* * * * *	* * * * *			

3. The heading of Table 2 and the entries under the Munsell notation for "Yellow; Dark series" are revised to read as follows:

Table 2.—Specifications for Color Tolerance Charts for Use With Labels and Placards Surfaced With Ink

Color/Series	Munsell notations	CIE data for source C		
		Y	x	y
* * * * *	* * * * *			
Yellow:				
* * * * *	* * * * *			
Dark series:				
Dark and green-yellow	4.4Y 7.57/9.7	51.82	.4423	.4562
Dark and orange A	3.4Y 7.39/10.4	48.86	.4584	.4590
Dark and orange B	3.5Y 7.41/10.0	49.20	.4517	.4544
* * * * *	* * * * *			

requires: (1) That any recreational use permitted will not interfere with the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the Aleutian Islands National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 26.34 Special regulations concerning public access, use and recreation for individual National Wildlife Refuges.

Aleutian Islands National Wildlife Refuge

Public access, use, and recreation is permitted only on Adak, Atka, Attu and Shemya Islands of the Aleutian Islands National Wildlife Refuge, in accordance with applicable state and federal regulations and subject to the following special regulations:

1. The use of motorized vehicles is restricted to established road systems.
2. The use of snowmobiles is authorized only within a specified area on Adak Island. A map is available from the refuge manager.
3. The use of motorized boats is authorized only on Andrew Lake located on Adak Island.

The provisions of this special regulation supplement the regulations governing public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations.

The public is invited to offer suggestions and comments at any time.

Authority: Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 680d).

Dated: April 2, 1979.

Keith M. Schreiner,

Alaska Area Director, Fish and Wildlife Service.

[FR Doc. 79-11699 Filed 4-13-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

Proposed Revision of Rates on Savings Accounts; Informal Public Hearing

Dated: April 12, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Announcement of informal public hearing.

SUMMARY: In order that public comment may be received orally as well as in written form on regulations proposed by the Federal Home Loan Bank Board and other Federal financial regulatory institutions regarding several new options for savers, the Bank Board will hold on May 1, 1979, an informal public hearing on the issues involved in the proposed regulations.

DATE: The hearing will be held on May 1, 1979. The hearing begins at 9:00 a.m. and ends at 5:00 p.m.

ADDRESS: The hearing will be held at the Board offices at 1700 G Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John R. Hall, Attorney, (202-377-6445) or Kathleen E. Topelius, Attorney, (202-377-6444), Office of the General Counsel, Federal Home Loan Bank Board.

SUPPLEMENTARY INFORMATION: By Board Resolution 79-223, dated April 3, 1979, and published in the Federal Register April 9, 1979 (44 FR 21027-21029), the Federal Home Loan Bank Board proposed four alternatives for payment of interest on deposits which would permit Federal Home Loan Bank System member institutions to provide incentives to small savers in a manner consistent with provision of home financing by such institutions.

To afford interested persons an opportunity to comment orally on this proposal, the Bank Board will hold an informal public hearing on May 1, 1979,

at its offices located at 1700 G Street, N.W., Washington, D.C. The hearing will begin at 9:00 a.m. and end at 5:00 p.m. or such earlier time as all persons present and wishing to speak on this matter have been heard.

Procedures for the Hearing

Each person or representative of a group who wishes to make a presentation must submit a written request to do so. A written summary of the points to be covered in the presentation must accompany the request. Send requests and accompanying material to the Federal Home Loan Bank Board, Office of the General Counsel, 1700 G Street, N.W., Washington, D.C. 20552 by April 25, 1979. Requests received after that date will not be considered. Such summaries will be available for public inspection at that address when received.

Whereas the Bank Board desires to hear all of those wishing to make oral comment, it may become necessary due to time restrictions to limit the time of each participant.

Participants will be notified by April 27, 1979, of their order of appearance. A list of participants, and their order of appearance, will be available for public inspection at the Bank Board, Office of General Counsel after that date.

The presiding Hearing Officer will have complete charge of the hearing and authority to do all things necessary and proper for the orderly conduct of the hearing.

Hearing participants will not be permitted to examine or cross-examine other participants, although the Hearing Officer may question participants for the purpose of obtaining a fuller exposition of their views.

There will be no briefs or oral argument at the conclusion of the hearing.

The foregoing rules may be relaxed by the Hearing Officer, if in his or her judgment such relaxation would aid the Bank Board in reaching a decision on the merits of the proposed alternatives. If deemed necessary, the Hearing Officer may also extend the hearing or schedule additional hearings.

The hearing proceedings will be transcribed. All interested parties may, after the close of the hearings and as soon as the transcript of the hearing has been prepared, obtain copies of the transcript through the procedure set out

in Part 505 of the General Regulations of the Bank Board (12 CFR Part 505).

Information On Which Comment Is Requested

For the convenience of persons who may wish to participate in the hearing, the alternatives proposed on April 3 and the issues concerning them on which comment was requested are reprinted below. Oral presentations at the hearing should address the issues on which comment was requested.

I Five year fixed rate, variable ceiling account

One alternative is to create an account with a maturity of five years (no more, no less) from the date of deposit. The maximum authorized rate on this account would be established monthly for new deposits at one per cent below the average five year rate based on the yield curve for United States Treasury securities. Beginning the first Thursday of every month, a member institution would be authorized to pay interest on such accounts up to a maximum rate of one per cent below the average five year rate based on the yield curve for United States Treasury securities for the preceding calendar week. Such maximum would remain in effect with respect to all such accounts issued during the month until the first Thursday of the next month when a new ceiling rate would go into effect for certificates issued on or after that date. The rate of interest established at the time of issue would not change during the five years the deposit is outstanding. The minimum qualifying amount for these accounts would be \$500. No restrictions as to compounding would be prescribed. It is understood that the average five year rate based on the yield curve for United States Treasury securities is determined by the U.S. Department of the Treasury, and that the ceiling rate for member institutions would be announced monthly on the Monday preceding the Thursday effective date. The average five year rate will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points.

Regulations contained in 12 CFR Parts 526, 545 and 563 currently require an institution to impose an early withdrawal penalty on funds withdrawn from an account prior to its maturity. The minimum required penalty is a reduction in the rate of interest on the

amount withdrawn to a rate not to exceed the rate currently prescribed for passbook accounts (5½ per cent) plus a forfeiture of three months interest at such rate. In order to ameliorate the penalty on a new 5-year account, the Bank Board proposes a withdrawal penalty that would require imposition of a penalty of six months forfeiture of interest at the certificate rate. This penalty would apply only to the new 5-year time deposit category and would not affect the penalty on other account categories.

The suggested maximum rate on this new account category, and the proposed amendment of the early withdrawal penalty, should offer substantial benefit to small savers.

With respect to this alternative, comment is sought specifically on the following issues:

- (1) Whether the maturity period should be other than five years;
- (2) Basing the maximum authorized rate on the average five year rate based on the yield curve for United States Treasury securities;
- (3) The maximum rate of one per cent below that rate;
- (4) Establishing a maximum rate monthly, rather than weekly or quarterly;
- (5) Permitting compounding of interest;
- (6) The \$500 minimum denomination;
- (7) Six months early withdrawal interest penalty at the certificate rate;
- (8) The impact of this type of account on home mortgage rates offered by member institutions; and
- (9) Impact on savings flows.

Comment also is requested on whether the six months early withdrawal interest penalty should be extended to all categories of savings certificate accounts.

II Bonus on regular accounts

Amendment of Part 526 is also being considered to authorize institutions to pay a lump sum interest bonus of up to one-half of 1 per cent on the minimum balance held in a regular account during the preceding 12-month period. Member institutions could pay the bonus in addition to other interest payable at a rate of up to the 5½ per cent ceiling on regular (passbook) accounts. Consequently, under this proposal a depositor could earn up to 5½ per cent on funds in passbook accounts for one year. The bonus would be available only on savings funds deposited to the credit of or in which the entire beneficial interest is held in the names of individuals (singly as well as jointly) or by a non-profit organization. The 12-

month holding period would begin prospectively pursuant to agreement of the depositor and the institution. The following are examples of how the new savings deposit could operate if a member institution notifies savings account depositors that a bonus will apply to regular accounts or agrees to pay a bonus on a regular account:

Example 1

A member institution notifies depositors that it will pay a bonus of one-half of one per cent on all qualifying savings accounts maintained for a one year period beginning July 1. On July 1, the depositor's existing savings account balance is \$500. During the next 12 months, the depositor makes several additional deposits to the account totaling \$250 and no withdrawals are made. As of June 30 of the following year, the account balance is \$750. The member institution, as of July 1, would be authorized to pay a bonus of one-half of 1 per cent on \$500, the minimum balance on deposit during the period July 1 to June 30.

Example 2

A depositor opens an account on December 1 with a deposit of \$500. It is agreed that the 12-month holding period will begin on January 1. During the month of December, the depositor adds \$250 to the account. As of January 1 the account balance is \$750, which remains on deposit through December 31. As of January 1 of the following year, the member institution would be authorized to pay a bonus of one-half of 1 per cent on \$750, the minimum balance on deposit during the period January 1 to December 31.

Example 3

A depositor opens the account on September 1 with a deposit of \$500. It is agreed that the 12-month holding period will begin on September 1. On October 1 the depositor withdraws \$200 from the account leaving a balance of \$300. On November 1 the depositor places \$300 in the account, raising the balance to \$600. As of September 1 of the following year, the member institution would be authorized to pay a bonus of one-half of 1 per cent on \$300, the minimum balance on deposit during the period of September 1 to August 31.

With respect to this alternative, comment is sought specifically on the following issues:

- (1) Should the bonus be an annual payment of one-half of 1 per cent on savings deposits held for a one year period, or should the bonus be a semi-annual payment of one-quarter of one

per cent for deposits held for a six month period?

(2) Should member institutions be authorized to permit depositors to withdraw funds from accounts receiving a bonus by automatic transfer, telephone transfer, third-party bill payor service, and (where authorized by law) by negotiable order of withdrawal? Under the Board's regulations such withdrawals are currently authorized from regular savings accounts.

(3) What operational difficulties are foreseen if this alternative is adopted, including an estimate of the time necessary to implement necessary or appropriate changes?

(4) Should the bonus increase if funds are on deposit for more than one year?

III Rising rate certificate accounts

Amendment of § 526.3(a) is also considered. A new paragraph (9) would be added to that section which would authorize a new type of certificate account with a \$500 minimum amount and a maximum maturity of 8 years. The maximum authorized rate of return on this type of account, known as a rising rate certificate account, would increase during the term of the account. The maximum authorized rate of return on deposits maintained in the account for one year would be 6¼ per cent. The rate of earnings during the following 18 months would be 6¾ per cent. The rate of earnings during the next 18 months would be 7¼ per cent. Deposits would receive earnings at 7¾ per cent during the fifth year, and at 8¼ per cent during the remaining 3 years until maturity. Additions to the account during the first year would be permitted without changing the effective date of the account.

Withdrawals during the first year would be subject to a penalty of three months interest. Withdrawals during any of the remaining seven years could be made without penalty.

With respect to this alternative, comment is sought specifically on the following issues:

- (1) The impact of this type of account on home mortgage rates offered by member institutions;
- (2) Impact on savings flows;
- (3) The eight-year maturity;
- (4) The penalty provision (should the early withdrawal penalty be a six months forfeiture of interest, consistent with the penalty for 5-year variable ceiling accounts);
- (5) The rate schedule; and
- (6) Additions to and withdrawals from this type of account.

IV Other matters

Part 526 (12 CFR 526.3(a)), except for the six month certificate, currently requires a deposit of \$1,000 on certificates with a maturity of 1 year or more in order to earn interest up to a maximum rate of 8 per cent or more (see 12 CFR 526.3(a)). It is proposed to eliminate these minimum amount regulatory requirements for certificate accounts with a term under 4 years, and to reduce the minimum amount to \$500 for other certificate accounts. At present, a \$10,000 minimum deposit is required for 26-week certificates by § 526.3(a)(8) (12 CFR 526.3(a)(8)). This requirement would not be affected.

Member institutions may continue to pay interest on public unit accounts under \$100,000 with maturities of 30 days or more (12 CFR 526.3(c)) and Individual Retirement Accounts and Keogh Plan certificate accounts of less than \$100,000 with maturities of 3 years or more (12 CFR 526.3(c)) at a rate of up to 8 per cent. These rates would not be affected by the maximum rate authorized for the new 5-year and 8-year accounts.

(Sec. 4, 80 Stat. 824 (12 U.S.C. 1425b); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[No. 79-237]

[FR Doc. 79-11014 Filed 4-13-79; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of this federal action is to designate controlled airspace near Warroad, Minnesota to accommodate a new instrument approach into Warroad International Airport (Swede Carlson Field), Warroad, Minnesota, established on the basis of a request from the Warroad Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the airport using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before May 15, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other airspace to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, rules Docket No. 79-GL-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 15, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any persons may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public

Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considered an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Warroad, Minnesota. Subpart G of Part 71 was republished in the *Federal Register* on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing Warroad, Minnesota transition area:

Warroad, Minn.

That airspace extending upward from 700 feet above the surface within a six statute mile radius (5.3 nautical miles) of the Warroad International, Swede Carlson Field (latitude 48°56'15"N., longitude 95°20'30"W. estimated) excluding that area north of latitude 49° (Canadian airspace) and within three statute miles (2.5 nautical miles) each side of the 108° true bearing from the Warroad International, Swede Carlson Field, extending from the six statute mile (5.3 nautical) radius to 8.5 statute miles (7 nautical miles) east southeast of the airport. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 Federal Aviation Regulations (14 CFR 11.61)).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk, AGL-7, Docket No. 79-GL-7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Ill., on March 30, 1979.

Wayne J. Barlow,
Acting Director, Great Lakes Region.

[Airspace Docket No. 79-GL-7]
[FR Doc. 79-11708 Filed 4-13-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 865]

PHA—Owned Projects—Project Management; Utilities Allowances; Extension of Comment Period

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Extending Period for filing of public comments.

SUMMARY: HUD is extending the time for filing of public comments with respect to this rule which will establish a uniform procedure for determining the amount of utility allowances, surcharges and energy savings credits for tenants of dwelling units owned or leased by Public Housing Agencies (PHAs) and assisted under the United States Housing Act of 1937, as amended.

DATE: The date for filing public comments has been extended until May 16, 1979.

SUPPLEMENTAL INFORMATION: On January 5, 1979, 44 FR 1600 HUD published 24 CFR Part 865, a proposed rule with respect to establishing utility allowances, surcharges and energy savings credits. HUD proposes to base allowances on the actual consumption data for each project, calculated on the basis of the average consumption levels of the various sized dwelling units within each individual project. Surcharges and credits are limited to one-third of a tenant's gross rent. Surcharges and credits are applicable only for consumption which is more than 15% above or below the established allowance.

ADDRESSES: Written comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Copies of comments will be available for public inspection at this address during regular business hours.

The period for filing of comments is being extended until May 16, 1979, to

facilitate public response to the proposed rule.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., April 6, 1979.

Morton Baruch,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-607]
[FR Doc. 79-11739 Filed 4-13-79; 8:45 am]
BILLING CODE 4210-01-M

[24 CFR Part 865]

Public Housing Agencies; Energy Audits and Energy Conservation Measures and Individual Metering of Utilities; Extension of Comment Period

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice of Extension of Time for Comments.

SUMMARY: HUD is extending the time for submission of public comments with respect to the proposed rules which require all Public Housing Agencies (PHA) to conduct energy audits and modify the requirement for installation of individual utility meters in low-income public housing to conform with the proposed rule on energy audits.

COMMENT DUE DATE: The date for filing public comments has been extended to May 16, 1979.

SUPPLEMENTARY INFORMATION: On December 28, 1978, 43 FR 60854-60856 HUD published 24 CFR, Part 865, Subpart C, a proposed rule with respect to energy audits and energy conservation measures and individual metering of utilities. The objective of this rule is to reduce energy consumption in PHA-owned housing. The first step required is that all PHAs review the elements of their buildings that have a potential for energy conserving improvements (called energy audits). The objective of the energy audits is to determine the cost-effectiveness and the order of priority applicable in funding energy conservation measures. PHAs will be required to use the "payback period" method, defined as the number of years required to accumulate net savings in the amount of the initial cost of the energy conservation measure.

On December 28, 1978, HUD also published 24 CFR, Part 865, Subpart D, a proposed rule changing the requirement for installation of all individual utility meters that a benefit/cost analyses shows to be cost-effective to conform with the proposed new rule on energy audits. Such conversions to individual metering will be accomplished

according to their order of priority as determined by the utility audit, except that the benefit/cost analyses will continue to be made in accordance with Section 865.404.

ADDRESSES: Written comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Copies of comments will be available for public inspection at this address during regular business hours.

The period for filing comments is being extended to May 16, 1979, to facilitate public response to the proposed rule.

(Sec. 7(d), Department of Housing and Urban Development Act, U.S.C. 3535(d))

Issued at Washington, D.C., April 6, 1979.

Morton Baruch,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-601, R-79-605]
[FR Doc. 79-11738 Filed 4-13-79; 8:45 am]
BILLING CODE 4210-01-M

[24 CFR Part 870]

PHA-Owned Projects—Demolition of Structures or Disposition of Real Property

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice of extension of time for comments.

SUMMARY: HUD is extending the time for submission of public comments on this proposed rule, which would provide policy, procedures and guidance on the subject of demolition of structures or disposition of land for PHA-owned public housing projects.

COMMENT DUE DATE: The date for filing public comments has been extended May 16, 1979.

SUPPLEMENTARY INFORMATION: On December 27, 1978, 43 FR 60301, HUD published 24 CFR, Part 870, a proposed rule with respect to demolition of housing or other structures or disposition of real property of public housing projects. This proposed rule sets forth a policy of maximum feasible conservation of the existing public housing stock, stating that HUD approval of demolition or disposition will be limited to cases where such action can be clearly justified. The proposed rule also prescribes criteria and procedures for processing a PHA's request for HUD approval of such demolition or disposition. This would apply only to PHA-owned low-income public housing (excluding leased

housing and Section 8 housing). It would not apply to sale of dwellings to homebuyers under the Turnkey III and Mutual Help Homeownership Opportunities Programs.

ADDRESSES: Written comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. Copies of comments will be available for public inspection at this address during regular business hours.

The period for filing comments is being extended to May 16, 1979, to facilitate public response to the proposed rule.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., April 6, 1979.

Morton Baruch,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-600]

[FR Doc. 79-11740 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 231 and 240]

Elimination and Simplification of Certain Public Use Forms Prepared by the Wine Industry

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the direction of the President, the Secretary of the Treasury is examining existing public use forms to determine the reporting burden on individuals and regulated industry members. The primary purpose of the program is to allow necessary information to be available to the Federal Government with a minimum burden on the public. As one step in a continuing Bureau effort to carry out the forms reduction program and lighten the paperwork and reporting burden on the public, the Bureau proposes to eliminate seven winery forms, to simplify the monthly bonded winery report, to change the currently required semi-annual wine inventories and reporting of losses to an annual requirement and to simplify affected regulations sections.

DATE: Written comments must be received by June 15, 1979.

ADDRESS: Written comments may be addressed to: Director, Bureau of Alcohol, Tobacco and Firearms, Post

Office Box 385, Washington, D.C. 20044, Attn: Chief, Regulations and Procedures Division. (Notice No. 319).

FOR FURTHER INFORMATION CONTACT:

James A. Hunt, Research and Regulations Branch at 202-566-7626.

SUPPLEMENTARY INFORMATION:

Forms To Be Eliminated and Simplified

ATF has found that a number of wine industry forms required by regulations (1) duplicate recordkeeping and reporting requirements, (2) are prepared in a format not compatible with a proprietor's operations or commercial records systems, and (3) are no longer necessary since the required information is available to ATF through other source records. In view of our findings, the Bureau proposes to eliminate seven winery forms and to simplify the monthly bonded winery report. The information required by the eliminated forms would be replaced by commercial records of the proprietor's operations. Accordingly, industry members would set up a format for daily records compatible with their own operations and commercial records system.

Revised Report

Form 702 (5120.17)—Monthly Report of Wine Cellar Operations. The Bureau has received several requests to simplify, clarify and eliminate certain reporting requirements on Form 702 (5120.17). Therefore, the Bureau proposes to replace the Form 702 (5120.17) with a new Form 5120.17 implementing the following changes:

(1) *Simplification of reporting requirements for all wines on bonded premises.* The current Form 702 (5120.17) requires that all wines in bond (bulk and bottled) be reported together in Part I Section A and that the bottled wines be reported again, separately, in Part I Section B. The new Form 5120.17 would no longer have the bulk and bottled wines together in the same section. They would each be reported separately; bulk wines would be reported in Part I Section A and bottled wines would be reported in Part I Section B.

(2) *Elimination of the reporting requirements on Form 702 (5120.17) for domestic wines in taxpaid rooms.* The new form would significantly reduce the amount of required taxpaid room information. However, due to the need for portions of the taxpaid room information in performing inspection audits, a few items remain on the report.

(3) *Clarification of certain portions of the Form 702 (5120.17).* The new form would have several added informational

footnotes to assist those preparing the report.

(4) Also, more space would be provided on the new form for proprietors to report any special operations.

Forms Elimination

The Bureau proposes to eliminate the semi-annual inventory report Form 702-C, Inventory of Wine, and to require, instead, that the proprietor file the inventory record with the retained copy of Form 5120.17. The Bureau also proposes to eliminate winery operation Forms 2056—Record of Still Wine, 2057—Record of Effervescent Wine, 2058—Special Natural Wine Production Record, 2059—Record of Distilling Materials or Vinegar Stock, 2060—Record of Cases Filled, and 2621—Record of Bottled Wine, and to have the proprietor maintain commercial records of the operations previously covered by these forms. The commercial records shall be available for inspection by ATF officers.

Reduce Number of Required Inventories

Proprietors of taxpaid wine bottling houses and bonded wine cellars would be required to take an inventory of all wines on the premises on the close of business June 30 of each year instead of December 31 and June 30 as currently required. Also, proprietors may establish a different annual inventory period by submitting a notice, in duplicate, to the regional regulatory administrator. The notice will state the date their inventory year will begin and end.

Public Participation

AFT requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of the proposed changes and of written comments are available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC. A copy of the proposed revised Form 702 (5120.17) may be requested from: Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within

the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of these regulations is Inspector Bruno V. Desideri assigned to the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices in the Bureau participated in developing the regulations, both on matters of substance and style.

Authority and Issuance

The proposed regulations are to be issued under the authority contained in section 26 U.S.C. 7805 (68A Stat. 917).

In view of the above, it is proposed that 27 CFR be amended as follows:

PART 231—TAXPAID WINE BOTTLING HOUSES

1. Section 231.111 is revised to reflect the elimination of ATF Form 2060. As amended § 231.111 reads as follows:

§ 231.111 Record of cases filled.

Each proprietor of a taxpaid wine bottling house shall maintain a daily record, by tax class, of wine cases filled. This record shall contain the following information:

- (a) The bottling tank number.
- (b) The kind of wine bottled.
- (c) The date the cases were filled.
- (d) The size of the bottles and the number of cases filled.
- (e) The serial numbers of the cases filled.
- (f) The total quantity bottled in liters or wine gallons.

(72 Stat. 1381, as amended.)

2. Section 231.113 is revised to change the required semi-annual inventory to an annual one.

As amended 231.113 reads as follows:

§ 231.113 Inventories.

Each proprietor of a tax-paid wine bottling house shall take an inventory of all wine on their premises on June 30 of each year or where a different period has been established, the inventory shall be taken at the end of that period. (Proprietors who want to establish a different annual inventory period from the period beginning on July 1 and ending on June 30 shall submit a notice, in duplicate, to the regional regulatory administrator. The notice shall set the date the inventory year will begin and end.)

The proprietor's inventory record shall include:

(a) The serial numbers, if any, of all containers (except filled cases).

(b) Description of Wine.

i. State the wines generic name (port, claret, etc.) or designate as white or red table or dessert wine; or

ii. Wine intended to be marketed with a vintage, varietal and/or geographical claim shall be appropriately identified, i.e., 1977 Napa Valley Pinot Noir.

(c) Inventory Summary.

i. Bulk and bottled wines shall be totaled in liters or wine gallons separately by tax class.

ii. All wines shall be summarized by kind.

(d) Inventory Record.

i. All inventory pages shall be numbered consecutively.

ii. The last inventory page shall be dated and signed after the statement, "Under penalties of perjury, I declare that I have examined this inventory record and to the best of my knowledge and belief, it is a true, correct and complete record of all wines required to be inventoried."

iii. The proprietor shall retain the record of inventory and the working papers available for inspection by ATF officers at any reasonable hour.

(72 Stat. 1381; 26 U.S.C. [I.R.C.] 5369.)

PART 240—WINE

1. Table of Contents Subpart UU—Records and Reports is revised to reflect the change of one form number and the elimination of six other forms. As amended the Table of Contents Subpart UU reads as follows:

Subpart UU—Records and Reports

Sec.	
240.900	Form 5120.17.
240.901	Form 2050.
240.902	Form 2052.
240.903	Inventories.
240.904	Forms 275, 2629, and 2630.
240.905	Prescribed forms.
240.908	Record of bulk still wines.
240.909	Record of effervescent wine.
240.910	Record of special natural wine production.
240.911	Record of distilling material or vinegar stock.
240.912	Record of bottled wine.
240.914	Sugar record.

2. Sections 240.320, 240.321, 240.362, 240.367, 240.383, 240.402, 240.408, 240.443, 240.486, 240.487, 240.491, 240.620, 240.633, 240.672, 240.722, 240.726, 240.730, 240.732, 240.753, 240.763, 240.773, 240.785, 240.786, 240.787, 240.802, 240.808, 240.836, 240.837 and 240.915 are all revised to reflect the change of Form 702 (5120.17) to Form 5120.17.

* * * * *

3. Section 240.662 is revised to reflect the elimination of Form 2056 and the change of Form 702 to Form 5120.17. As amended 240.662 reads as follows:

§ 240.662 Records.

Soured wine removed as vinegar shall be recorded and reported on the proprietor's record of bulk still wine and on Form 5120.17.

(72 Stat. 1381, as amended.)

4. Section 240.783 is revised to reflect the change in Form 702 to Form 5120.17 and the changed inventory requirements. As amended 240.783 reads as follows:

§ 240.783 Losses during a year.

Any losses on bonded wine cellar premises during the year shall be entered on monthly report Form 5120.17 when determined. The proprietor shall take an actual inventory of all untaxpaid wine on hand in the bonded wine cellar as of the close of business June 30 of each year or where a period different from July 1 to June 30 has been established, the inventory shall be taken at the end of that period. The inventory shall be recorded as required by § 240.903, and losses disclosed by an inventory shall be reported on Form 5120.17 for the appropriate month. No claim for allowance of loss is required for losses in production or storage provided

(a) There are no circumstances indicating that all or a part of the wine reported lost was unlawfully removed, and

(b) The loss did not exceed 3 percent of the aggregate quantity of wine on hand at the beginning of the year and received in bond during the year, 6 percent of the still wine produced by fermentation, 6 percent of the sparkling wine produced by fermentation in bottles, 3 percent of the special natural wine produced under § 240.444, 3 percent of the artificially carbonated wine produced, and 3 percent of the bulk process sparkling wine produced, at the bonded wine cellar during the annual period.

(72 Stat. 1381, as amended.)

5. Section 240.900 is revised to reflect the change in Form 702 to Form 5120.17. As amended 240.900 reads as follows:

§ 240.900 Form 5120.17.

The proprietor of each bonded wine cellar shall submit Form 5120.17, Monthly Report of Wine Cellar Operations, to the regional regulatory administrator as per instructions on the form. All bonded wine cellar operations shall be summarized and reported on

Form 5120.17 as indicated by the headings of lines and columns, and in accordance with the instructions printed on the form. The information reported on Form 5120.17 shall be obtained from the wine cellar records maintained in accordance with the requirements of this part. Fractional parts of a gallon shall be expressed in decimals to the nearest one-tenth gallon.

(72 Stat. 1381, as amended.)

6. Section 240.903 is revised to reflect the elimination of Form 702-C and the change of Form 702 to Form 5120.17. Also, the required inventory is changed from semi-annual to annual and no inventory report is submitted to the regional regulatory administrator. As amended 240.903 reads as follows:

§ 240.903 Inventory.

The proprietor of each bonded wine cellar shall prepare a record of the inventory taken of all wine in storage at the wine cellar at the close of business on June 30 of each year or where a different period has been established, the inventory shall be taken at the end of that period. (Proprietors who want to establish a different annual inventory period from the period beginning on July 1 and ending on June 30 shall submit a notice, in duplicate, to the regional regulatory administrator.) The inventory record shall be retained on file with the proprietor's Form 5120.17 for the month the inventory was taken. If at other times complete inventories of wine are taken and losses disclosed are reported on the monthly report, Form 5120.17, an inventory record shall be prepared and remain on file with the proprietor's Form 5120.17 for that month. The proprietor's inventory record shall include:

(a) Serial Number of Containers.

(1) Where barrels or puncheons are involved, list as "barrels" or "puncheons."

(2) Total gallonage of one kind of wine in bottles or cases may be entered as one item appropriately identified.

(b) Description of Wine.

(1) State the wine's generic name (port, claret, etc.) or designate as a white or red table or dessert wine; or

(2) Wine intended to be marketed with a vintage, varietal and/or geographical claim shall be appropriately identified, i.e., 1977 Napa Valley Pinot Noir.

(3) If the wine is other than grape wine, state whether it is orange, honey, etc.

(c) Inventory Summary.

(1) Bulk and bottled wines shall be totaled in wine gallons, separately by tax class, and reported on Form 5120.17.

(2) All wines shall be summarized by kind.

(d) Inventory Record.

(1) All inventory pages shall be numbered consecutively.

(2) The last inventory page shall be dated and signed after the statement, "Under penalties of perjury, I declare that I have examined this inventory record and to the best of my knowledge and belief, it is a true, correct and complete record of all wines required to be inventoried."

(72 Stat. 1381; 26 U.S.C. 5367, 5369.)

7. Section 240.905 is revised to reflect the elimination of all prescribed cellar record forms (Forms 2056, 2057, 2058, 2059 and 2621). As amended 240.905 reads as follows:

§ 240.905 Prescribed forms.

All reports required by this part shall be submitted on forms prescribed by the Director. Entries shall be made as indicated by the headings of the columns and lines and as required by the instructions on the form. Form reports filed with the regional regulatory administrator are furnished free of cost.

(72 Stat. 1381, as amended.)

8. Section 240.906 is revised to reflect the change of Form 702 to Form 5120.17 and to reflect the elimination of Forms 702-C, 2056, 2057, 2058, 2059 and 2621. As amended 240.906 reads as follows:

§ 240.906 Records and reports under the metric system.

Proprietors of bonded wine cellars shall maintain required records and other commercial records in wine gallons or in liters. Required reports, tax returns, and transaction records submitted to the regional regulatory administrator shall have quantities reported in wine gallons.

(72 Stat. 1381, as amended.)

9. Section 240.908 is revised to reflect the elimination of Form 2056 and the change of Form 702 to Form 5120.17. As amended 240.908 reads as follows:

§ 240.908 Record of still wine.

Each proprietor of a bonded wine cellar who produces or receives still wine, other than distilling material or vinegar stock made with excess water, shall maintain a daily record of still wine. A separate record (including source records) shall be maintained for each tax class of still wine. The record shall contain the following:

(a) The quantity produced, received, shipped taxpaid, removed (in bond, export, family use, samples, etc.) or used in effervescent wine production.

(b) The specific type of production method used, i.e., natural fermentation, sweetening, addition of wine spirits, amelioration, or blending.

(c) The quantity of wine produced by fermentation determined by actual measurement.

(d) The quantity of wine produced by sweetening, amelioration or addition of wine spirits established by measurements taken before and after production. In addition, the record shall contain the kinds and quantities of any materials added to these wines.

(e) The quantity of wine used and produced by blending (record only if wine of different tax classes are blended together).

(f) The quantity of standard wine or wine lees removed to fermentors for refermentation or removed directly to the production facilities of a distilled spirits plant or vinegar plant.

(g) An explanation of any unusual transaction. At the end of each month the totals of the daily records shall be reported on Form 5120.17.

(72 Stat. 1381, as amended.)

10. Section 240.909 is revised to reflect the elimination of Form 2057 and the change of Form 702 to Form 5120.17. As amended 240.909 reads as follows:

§ 240.909 Record of effervescent wine.

Each proprietor of a bonded wine cellar producing or receiving effervescent wine shall maintain a daily record showing the details of production, receipt, storage, removal and loss. A separate record (including source records) shall be maintained for each specific process used (bulk or bottled fermented or artificially carbonated) and by the specific kind of wine (other than grape wine or special natural wine). The record shall contain the following:

(a) Quantity of still wine put into bottles or pressure tanks prior to secondary fermentation.

(b) Quantity of first dosage used.

(c) In process bottling losses (refilling, spillage, breakage, etc.).

(d) Transfer and receipts of effervescent wines in process.

(e) Quantity of effervescent wines in process returned to still wine.

(f) Quantity of finishing dosage used.

(g) Quantity of wine contained in bottles of finished effervescent wine (amount produced).

(h) Quantity of finished effervescent wines received.

(i) Quantity of finished effervescent wines transferred in bond, removed taxpaid, lost by breakage, returned to still wine, used to refill after disgorging.

used for production of dosage and removed tax-free (export, tasting, etc.).

(j) Quantity of each item used in the production of dosages (wine, syrup, wine spirits, etc.).

(k) An explanation of any unusual transaction. At the end of each month all daily entries shall be totaled and entered on Form 5120.17.

(72 Stat. 1381, as amended.)

11. Section 240.910 is revised to reflect the elimination of Form 2058 and the change of Form 702 to Form 5120.17. As amended 240.910 reads as follows:

§ 240.910 Record of special natural wine production.

Each proprietor of a bonded wine cellar producing special natural wine under § 240.444 shall maintain a daily record showing the details of production. The record shall contain the following:

(a) A number for each lot of wine beginning with number one at the start of each year.

(b) The approved formula number for each lot of wine.

(c) The quantity of natural wine used in the production of special natural wine and essences.

(d) The quantity of essences produced or purchased by the proprietor (whether made with wine spirits or other alcohol) and the use or other disposition of those essences.

(e) The date each lot of wine is finished.

(f) The gain or loss resulting from the production of each lot of special natural wine as determined by comparing the quantity of finished wine with the quantity used (report the total monthly loss or gain in Part I Section A of Form 5120.17).

(g) An explanation of any unusual loss or gain (report in Part X of Form 5120.17).

(h) A record of the production of essences showing date of production, formula number, quantities of wine spirits and herbs used and the amounts produced.

(i) A record of the receipt and use or other disposition of all herbs, aromatics, or other flavoring materials to be used in the production of special natural wines. Proprietors producing special natural wine under § 240.443 shall maintain a separate record of herbs, etc., and in addition shall keep the same records as are required in the production of natural wine.

(72 Stat. 1381, as amended.)

12. Section 240.911 is revised to reflect the elimination of Form 2059 and the

change in Form 702 to Form 5120.17. As amended 240.911 reads as follows:

§ 240.911 Record of distilling material or vinegar stock.

Each proprietor of a bonded wine cellar producing or receiving wine with excess water expressly for use as distilling material or vinegar stock shall maintain a daily record showing the amount and kind produced, received (from whom), and removed (to whom). The proprietor shall keep a separate record by each type of material used from which wine was fermented, i.e., grape, berry, etc. All wine produced, including wine lees refermented for use as distilling material, shall be recorded upon removal from fermentors. At the end of each month the proprietor shall record the total daily transactions in Part VI of Form 5120.17. This section shall not apply to standard wine or wine lees recorded on the proprietor's record of bulk still wine and removed for use as distilling material or vinegar stock.

(72 Stat. 1381, as amended.)

13. Section 240.912 is revised to reflect the elimination of Form 2621 and the change in Form 702 to Form 5120.17. As amended 240.912 reads as follows:

§ 240.912 Record of bottled wine.

Each proprietor of a bonded wine cellar who bottles wine or receives bottled wine in bond shall keep a daily record of bottled wine, by tax class, showing the quantity of wine bottled, the quantity of bottled wine received in bond, the quantity of taxpaid bottled wine returned to bond, and the quantity of bottled wine removed (taxpaid removals, transfers in bond, dumped to bulk or destroyed, breakage, used for tasting, etc.). At the end of each month the proprietor shall record the total daily transactions in Part I Section B of Form 5120.17 and shall explain any unusual transactions in Part X of the form. The quantity bottled shall be based on the number and size of bottles filled. For bottle fermented sparkling wine, the quantity recorded as bottled shall be determined after the disgorging and refilling process.

(72 Stat. 1381, as amended.)

14. Section 240.913 is deleted due to the elimination of all prescribed cellar record forms (Forms 2056, 2057, 2058, 2059 and 2621).

§ 240.913 [Deleted]

15. Section 240.916 is revised for purposes of clarification. As amended 240.916 reads as follows:

§ 240.916 Varietal and vintage wine records.

A proprietor of a bonded wine cellar disposing of wine under a varietal, vintage, appellation of origin, or any other designation shall maintain complete records so that any designation claimed may be verified by audit.

(72 Stat. 1381, as amended.)

16. Section 240.923 is revised to reflect the elimination of Form 702-C and the change of Form 702 to Form 5120.17. As amended 240.923 reads as follows:

§ 240.923 Filing of forms.

The proprietor of a bonded wine cellar shall file retained copies of reports and records in chronological order, in bound or other secure form. An inventory record shall be filed with the Form 5120.17 for the month the inventory was taken.

(72 Stat. 1381, as amended.)

Signed: March 9, 1979.

G. R. Dickerson,
Director.

Approved: April 3, 1979.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).
[Notice No. 319]
[FR Doc. 79-11756 Filed 4-13-79; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 153 and 161]

Notification of Marine Casualties

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard invites early public participation in the development of regulations which would require owners, masters, agents or persons in charge of certain U.S. tank vessels experiencing marine casualties within U.S. waters or within a certain number of miles of U.S. coasts to immediately report those marine casualties to the Coast Guard. Application of such a system to foreign flag tank vessels in a manner consistent with international law is being considered.

DATES: Comments must be received on or before June 1, 1979.

ADDRESS: Comments should be submitted to Commandant (G-CMC/81), (CGD 78-098), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the

Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Edward H. Bonekemper, III, Assistant Chief, Port Safety Branch, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1927).

SUPPLEMENTAL INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice number (CGD 78-098) and the specific sections of the proposal to which their comments apply and give reasons for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the *Federal Register* if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Commander Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems, and Lieutenant G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Coast Guard is considering requiring rapid notification to the Coast Guard of serious marine casualties occurring in the U.S. or within a certain distance of U.S. coasts to better protect the marine environment and resources of the U.S. These requirements would apply to certain U.S. tank vessels and may also apply to foreign flag tank vessels within the territorial sea and internal waters of the U.S., and tank vessels bound for U.S. ports.

To facilitate Coast Guard investigations, 46 CFR 4.05 requires that certain marine casualties be reported in writing to the Coast Guard as soon as possible thereafter. Revision of these requirements is the subject of a separate rulemaking, CGD 76-170 (43 FR 48982). 33 CFR 153.203 requires that oil discharges be reported to the Coast Guard immediately.

This proposal addresses the critical time period between a marine casualty

and an actual discharge and contemplates immediate reporting of marine casualties which could result in pollution. This would facilitate timely Coast Guard response to prevent or mitigate pollution. An immediate notification of a casualty would facilitate prompt response action and possibly eliminate or mitigate environmental damage due to pollution from marine casualties. It would also aid the Coast Guard in carrying out its responsibility under the Federal Water Pollution Control Act, as amended (33 USC 1321(c)(2)(D)), to notify appropriate state and Federal agencies of imminent threats of discharges of oil and hazardous substances.

The Coast Guard is considering requiring such a notification whenever a collision, stranding, loss of propulsion or steering or other incident of navigation involving tank vessels may be reasonably expected to result in discharge of oil or hazardous substances. The intent is to cover those occurrences on board a vessel or external to it which result in material damage or imminent threat of material damage to the vessel or her cargo and acts relating to such a casualty which could result in a discharge. Casualty reporting requirements would have to be sufficient to permit appropriate response action while not being overly burdensome on marine traffic. Other information available to the Coast Guard concerning these casualties will be considered in establishing this requirement.

Among the potential legal authorities for such action are the Intervention on the High Seas Act (33 USC 1471 et seq.), Protocol I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, the Federal Water Pollution Control Act, as amended (33 USC 1321 et seq.), the Ports and Waterways Safety Act (33 USC 1221 et seq.), the Outer Continental Shelf Lands Act (43 USC 1331 et seq.), and the Deepwater Port Act (33 USC 1501 et seq.).

In addition, the Coast Guard may request masters of foreign flag tank vessels transiting waters off U.S. coasts to give similar notifications. Recognizing that this issue is under discussion by the Inter-Governmental Maritime Consultative Organization (IMCO), the Coast Guard intends to cooperate in the development of international standards. Information received in response to this Advance Notice will be considered in developing a U.S. position in these international negotiations.

Somewhat related to this proposal are two recently published Coast Guard

notices of proposed rulemaking. On April 13, 1978 a notice concerning Notification of Tank Vessel Ownership Information was published in the *Federal Register* (43 FR 15586). Separate action has been taken to withdraw that notice because the information covered by it has been obtained by other means or determined to be unnecessary or unavailable. In addition, on June 15, 1978 a notice was published in the *Federal Register* (43 FR 25958) concerning Requirements for the Notification of Arrivals, Departures, Hazardous Conditions and Certain Dangerous Cargoes. The hazardous conditions notifications in that proposal are related to the issue being discussed in this advance notice.

Public input is solicited concerning the concept of requiring or requesting notification of marine casualties occurring in U.S. waters or within a certain number of miles of the coast of the United States. Although any comments related to this proposal will be welcomed, the Coast Guard is particularly interested in comments addressing the following issues:

1. Is there a need for such notifications?
2. What would be the economic and environmental benefits and costs of such a reporting system?
3. In what areas or for what distances from U.S. coasts would such a reporting system be desirable?
4. To what kinds of vessels carrying what types of cargoes should such a reporting system apply?
5. What types of incidents should be covered by the reporting system and how soon after an incident should a report be made?
6. To what extent is this information available from other sources?
7. Who should make these reports (owner, master, person in charge, agent or others)?
8. How should reports to the Coast Guard be made?
9. Where in the Code of Federal Regulations should such a reporting system be placed to be of maximum convenience to the user?

Dated: April 11, 1979.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

[CGD 78-098]

[FR Doc. 79-11797 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 2]

Compulsory Counterclaims in Trademark Opposition and Cancellation Proceedings; Proposed Rulemaking

Note.—This document is republished with corrections from the issue of Friday, March 16, 1979.

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice to make it compulsory to file a counterclaim for the cancellation of the registration pleaded by an opposer in an opposition proceeding or a petitioner in a cancellation proceeding when the grounds for such counterclaim exist at the time the answer is filed. Under present rules, a counterclaim for cancellation is not a compulsory counterclaim. By making counterclaims compulsory all potential claims between the parties involving the marks actually or potentially in issue are settled in one proceeding.

DATES: Comments must be received on or before May 15, 1979.

ADDRESSES: Comments may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. All comments received will be available for public inspection in Room 11 E 10, Crystal Plaza, Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: David J. Kera, Patent and Trademark Office (703-557-3551).

SUPPLEMENTARY INFORMATION: These amendments provide that if, in a trademark opposition or cancellation proceeding, the defendant (applicant in an opposition proceeding or respondent in a cancellation proceeding) has grounds for petitioning to cancel any of the registrations of which ownership is pleaded by the plaintiff (opposer in an opposition proceeding or petitioner in a cancellation proceeding), the petition to cancel the plaintiff's registration or registrations shall be a compulsory counterclaim. The effect of the amendment of the rules will be that, if the counterclaim is not filed as provided by the rules, the defendant will thereafter be barred from petitioning to cancel the registration or registrations pleaded by the plaintiff in the prior

proceeding on any ground that existed at the time when the answer was filed.

Since the decision in *Outdoor Sports Industries, Inc. v. Joseph & Feiss Company*, 177 USPQ 535 (TTAB, 1973), petition denied, 177 USPQ 533 (Comr., 1973), the Trademark Trial and Appeal Board consistently held that an attack upon the validity of a plaintiff's registration was a compulsory counterclaim. See: *Textron, Inc. v. The Gillette Company*, 180 USPQ 152 (TTAB, 1973); *Kajita v. Walter Kidde & Company*, 185 USPQ 436 (TTAB, 1975); *Delta Tire Corporation v. Sports Car Club of America, Incorporated*, 185 USPQ 443 (TTAB, 1975); *Scovill Manufacturing Company v. Stocko metallwarenfabriken Henkels und Sohn KG*, 188 USPQ 24 (TTAB, 1975); *Endo Laboratories, Inc. v. Fredericks*, 197 USPQ 560 (TTAB, 1977). Such counterclaim must be a petition for cancellation of the plaintiff's registration. See §§ 2.106(b), 2.114(b).

However, the Court of Customs and Patent Appeals, in *Thuron Industries, Inc. v. The Conard-Pyle Company*, 198 USPQ 403 (1978), held that, under the present rules in 37 CFR Part 2 and Rule 13, FRCP, a counterclaim for cancellation of a plaintiff's registration is not a compulsory counterclaim. The court reasoned that the present rule, 37 CFR 2.106(b), uses the permissive word "may" but not a mandatory word, such as "shall" or "must," so that the present rule makes a counterclaim permissive but not compulsory. The court also indicated that Rule 13(a), FRCP, does not support the position that a counterclaim for cancellation of a registration pleaded by a plaintiff is compulsory because the grounds for cancellation do not arise out of the transaction or occurrence that is the subject matter of the opposing party's claim.

Finally, the court expressed concern that a practice of making counterclaims compulsory might preclude a party, in certain circumstances, from filing a concurrent use application.

It was the Board's experience in the five years after *Outdoor Sports Industries, Inc. v. Joseph & Feiss Company*, *supra*, that the compulsory counterclaim practice in opposition and cancellation proceedings had a salutary effect in avoiding piecemeal litigation of a multiplicity of actions and counteractions. The question of the registrability of the defendant's mark is intimately related to the question whether the plaintiff's mark should remain on the register or should be cancelled. Whether considered as a matter of damage to the plaintiff or the

proscription of section 2(d) of the act, a registration pleaded by the plaintiff is a premise upon which the complaint is based and the continued validity of a pleaded registration, when it is or may be challenged, must be decided as a prerequisite to a final determination of the registrability of the defendant's mark. All potential claims between the parties involving the marks actually or potentially in issue are settled in one proceeding. Discovery and trial on all of the issues are expedited and duplication of effort is avoided. Briefs and arguments on the issues are presented once and not several times. The parties are saved time and expense and the Board conserves its resources of personnel and time. The determination whether the plaintiff is entitled to retain its registration can be made before the issue of the registrability of the defendant's mark is decided. See: *King Candy Company v. Eunice King's Kitchen, Inc.*, 182 USPQ 108 (CCPA, 1974) [registered mark of even a subsequent-user opposer must be considered in an opposition]; cf. *Morehouse Manufacturing Corporation v. J. Strickland and Company*, 160 USPQ 715 (CCPA, 1969).

It has never been, and is not now, the Board's position that a concurrent use application is a compulsory counterclaim or even, properly speaking, a counterclaim of any kind to an opposition or petition for cancellation. This proposed amendment, if adopted, will not affect in any manner the practice of permitting the parties to an opposition proceeding, if they so agree, to have their respective rights adjudicated, when the statutory requirements can be fulfilled, in a concurrent use proceeding. See: *Tips From the TTAB, The Concurrent User as Opposer*, Vol. 67 Trademark Reporter, No. 6, page 654 (November-December, 1977).

In accordance with § 2.116(a), this proposed amendment, if adopted, will govern compulsory counterclaims in opposition and cancellation proceedings in lieu of Rule 13, FRCP.

In the usual situation contemplated by Rule 13, FRCP, both parties are presumably aware, when the complaint is filed, of the basic facts and circumstances surrounding the complaint. The defendant, as a result of this knowledge, is able to plead a counterclaim in the answer. However, in an opposition or cancellation proceeding before the Board, the applicant or respondent may know little or nothing about the registration upon which the opposer or petitioner is basing a claim of damage. The facts which may be the

basis for a counterclaim to cancel the registration pleaded by an opposer or petitioner may not emerge until after the answer is due. To accommodate the special conditions of a proceeding before the Board as compared to litigation in a court, a rule on counterclaims is being proposed.

Notice is hereby given that pursuant to the authority contained in Section 41 of the Act of July 5, 1946, as amended (60 Stat. 427, 88 Stat. 1949, 15 U.S.C. 1123, as amended) and section 6 of the Act of July 19, 1952, as amended (85 Stat. 364, 88 Stat. 1949, 35 U.S.C. 6, as amended), the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by amending §§ 2.106 and 2.114.

It is proposed to revise the sections as follows (additions are indicated by arrows; deletions are bracketed):

1. By revising § 2.106(b) to read as follows:

§ 2.106 Answer.

(b) ▶ (1) ◀ An answer may contain any defense, [and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the opposition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified or include a declaration in accordance with § 2.20 and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof; but no other reply to the answer need be filed.] ▶ including the affirmative defenses of unclean hands, laches, estoppel, acquiescence, fraud, mistake, or prior judgment. When pleading special matters, the Federal Rules of Civil Procedure shall be followed. A reply to an affirmative defense need not be filed. When a defense attacks the validity of a registration pleaded in the opposition, paragraph (b) (2) of this section shall govern.

(b)(2)(i) A defense attacking the validity of any one or more of the registrations pleaded in the opposition shall be a compulsory counterclaim if grounds for such counterclaim exist at the time when the answer is filed. If grounds for a counterclaim are known to the applicant when the answer to the opposition is filed, the counterclaim shall be pleaded with or as part of the answer. If grounds for a counterclaim are learned during the course of the opposition proceeding, the counterclaim shall be pleaded promptly after the grounds therefor are learned. A

counterclaim need not be filed if it is the subject of another proceeding.

(ii) An attack on the validity of a registration pleaded by an opposer will not be heard unless a counterclaim or separate proceeding is filed to seek the cancellation of such registration.

(iii) The provisions of §§ 2.111 through 2.115, inclusive, shall be applicable to counterclaims. A time, not less than thirty days, will be designated within which an answer to the counterclaim must be filed.

(iv) The times for pleading, discovery, testimony, briefs or oral argument will be reset or extended when necessary, upon motion by a party, to enable a party fully to present or meet a counterclaim or separate petition for cancellation of a registration. ◀

2. By revising § 2.114(b) to read as follows:

§ 2.114 Answer

(b) ▶ (1) ◀ An answer may contain any defense, [and it may also contain a request for affirmative relief by way of cancellation of a registration pleaded in the petition; but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified, or include a declaration in accordance with § 2.20, and must be accompanied by the fee as required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof; but no other reply to the answer need be filed.] ▶ including the affirmative defenses of unclean hands, laches, estoppel, acquiescence, fraud, mistake, or prior judgment. When pleading special matters, the Federal Rules of Civil Procedure shall be followed. A reply to an affirmative defense need not be filed. When a defense attacks the validity of a registration pleaded in the petition, paragraph (b)(2) of this section shall govern.

(b) (2) (i) A defense attacking the validity of any one or more of the registrations pleaded in the petition shall be a compulsory counterclaim if grounds for such counterclaim exist at the time when the answer is filed. If grounds for a counterclaim are known to respondent when the answer to the petition is filed, the counterclaim shall be pleaded with or as part of the answer. If grounds for a counterclaim are learned during the course of the cancellation proceeding, the counterclaim shall be pleaded promptly after the grounds therefor are learned. A

counterclaim need not be filed if it is the subject of another proceeding.

(ii) An attack on the validity of a registration pleaded by a petitioner for cancellation will not be heard unless a counterclaim or separate proceeding is filed to seek the cancellation of such registration.

(iii) The provisions of §§ 2.111 through 2.115, inclusive, shall be applicable to counterclaims. A time, not less than thirty days, will be designated within which an answer to the counterclaim must be filed.

(iv) The times for pleading, discovery, testimony, briefs, or oral argument will be reset or extended when necessary, upon motion by a party, to enable a party fully to present or meet a counterclaim or separate petition for cancellation of a registration. ◀

Dated: February 28, 1979.

Donald W. Banner,

Commissioner of Patents and Trademarks.

Approved:

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-8026 Filed 3-15-79; 8:45 am]

BILLING CODE 3510-16-M

POSTAL RATE COMMISSION

[39 CFR Part 3001]

Procedures Governing In Camera Order and Voting Requirements for Final Acts

April 10, 1979.

AGENCY: Postal Rate Commission.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: On January 12, 1979, the Postal Rate Commission's Advance Notice of Proposed Rulemaking was published in the *Federal Register* (44 FR 2606) for public comment. The Advance Notice was the initial step in the Commission's procedures for annual review of its rules of practice pursuant to its plan for voluntarily implementing Executive Order 12044 (43 FR 12661, March 24, 1978). In addition to inviting public proposals to amend our rules of practice, the Advance Notice proposed specific amendments to those rules relating to procedures governing *in camera* orders, voting requirements for final acts of the Commission, and a technical amendment to our rule concerning costing reports that the Postal Service is required to file periodically with the Commission. On January 3, 1979, Order No. 237 severed the proposed amendment relating to voting requirements and adopted that

amendment as a final rule (44 FR 7695, February 7, 1979). We invite public comment on the remaining proposals that were contained in the Advance Notice.

DATES: Comments responsive to our Notice of Proposed Rulemaking should be submitted by April 23, 1979.

ADDRESSES: Comments should be directed to David F. Harris, Secretary, Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C. 20268.

FOR FURTHER INFORMATION CONTACT: David F. Stover, Assistant General Counsel (Regulation), Suite 500, 2000 L Street NW., Washington, D.C. 20268; telephone 202-254-3830.

David F. Harris,
Secretary.

SUPPLEMENTARY INFORMATION: The relatively brief period designated for filing comments responsive to our Notice of Proposed Rulemaking is shorter than the normal period specified in our plan for implementing Executive Order 12044. We believe, however, that this period will be sufficient in view of the prior opportunity given the public to comment upon these proposals and the absence of any responsive comments to them.

Proposals by the Commission

(1) *Proposed Rules for In Camera Proceedings*

The Commission contemplates including in its rules of practice rules establishing procedures for conducting *in camera* review of materials. These procedures are modeled after the rules of the Federal Trade Commission governing *in camera* orders, found in 16 CFR 3.45 (1978). Part 3001 of 39 CFR is proposed to be amended by adding the following new section:

§ 3001.31a *In camera* orders.

(a) *Definition.* Except as hereinafter provided, documents and testimony made subject to *in camera* orders are not made a part of the public record, but are kept confidential, and only authorized parties, their counsel, authorized Commission personnel, and court personnel concerned with judicial review shall have access thereto. The right of the presiding officer, the Commission, and reviewing courts to disclose *in camera* data to the extent necessary for the proper disposition of the proceeding is specifically reserved.

(b) *In camera* treatment of documents and testimony. Presiding officers shall have authority, but only in those unusual and exceptional circumstances when good cause is found on the record, to order documents or oral testimony

offered in evidence whether admitted or rejected, to be placed *in camera*. The order shall specify the date on which *in camera* treatment expires and shall include: (1) A description of the documents and testimony; (2) a full statement of the reasons for granting *in camera* treatment; and (3) a full statement of the reasons for the date on which *in camera* treatment expires. Any party desiring, for the preparation and presentation of the case, to disclose *in camera* documents or testimony to experts, consultants, prospective witnesses, or witnesses, shall make application to the presiding officer setting forth the justification therefor. The presiding officer, in granting such application for good cause found, shall enter an order protecting the rights of the affected parties and preventing unnecessary disclosure of information. *in camera* documents and the transcript of testimony subject to an *in camera* order shall be segregated from the public record and filed in a sealed envelope, bearing the title and docket number of the proceeding, the notation "*In Camera* Record under § 3001.31a," and the date on which *in camera* treatment expires.

(c) *Release of in camera information.* *In camera* documents and testimony shall constitute a part of the confidential records of the Commission and shall be subject to the provisions of § 3001.42 of this chapter. However, the Commission, on its own motion without notice to any affected party, may make *in camera* documents and testimony available for inspection, copying, or use by any other governmental agency.

(d) *Briefing of in camera information.* In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of *in camera* documents and testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such documents or testimony including generalized statements based on their contents. To the extent that counsel consider it necessary to include specific details of *in camera* data in their presentations, such data shall be incorporated in separate proposed findings, briefs, or other papers marked "confidential," which shall be placed *in camera* and become a part of the *in camera* record.

§ 3001.42 [Amended]

The first clause of paragraph (b) of § 3001.42 is proposed to be amended to read as follows:

* * * * *

(b) *Public records.* Except as provided in § 3001.31a of this chapter, the public records of the Commission include:

* * * * *

(2) *Technical Conforming Change to Periodic Reporting Requirement*

§ 3001.102 [Amended]

39 CFR § 3001.102 specifies the contents of certain reports by the United States Postal Service that are to be filed periodically with the Commission.

Section 3001.102(a)(2) currently specifies the "Incremental Cost Analysis" as one of the reports required to be filed. In lieu of the "Incremental Cost Analysis" report, the United States Postal Service has filed a more detailed document entitled "Cost Segments and Components." We have reviewed this document and find it to be an appropriate replacement for the "Incremental Cost Analysis" report. Accordingly, we propose that § 3001.102(a)(2) be amended to read "Cost Segments and Components."

[Docket No. RM79-2]

[FR Doc. 79-11700 Filed 4-13-79; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

Proposed Disapproval of Delayed Compliance Order Issued by the State of Wyoming, Department of Environmental Quality, to Black Hills Power & Light Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove a delayed compliance order issued by the State of Wyoming, Department of Environmental Quality, to Black Hills Power and Light Company, (old) Wyodak Station power plant, located east of Gillette, Wyoming. This order requires Black Hills Power & Light Company to bring air emissions from boiler units 1, 3, and 4, at its (old) Wyodak Station power plant located east of Gillette, Wyoming, into compliance with applicable regulations contained in the Wyoming State Implementation Plan (SIP) by July 1, 1979. EPA proposes to disapprove this order because the order contemplates that compliance will be achieved through termination of operation of the boilers. Compliance by termination of operation is not permissible under the terms of Section 113(d)(1) of the Clean Air Act (the Act).

Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Act. If approved by EPA, the order would constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by this order. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the order as a delayed compliance order. If the order is disapproved, the source may be sued under the above-referenced provisions of the Act.

DATE: Written comments must be received on or before May 16, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mrs. Cay White, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, telephone (303) 837-2361.

SUPPLEMENTARY INFORMATION: Black Hills Power and Light Company operates a power plant, the (old) Wyodak Station east of Gillette, Wyoming. The order under consideration addresses emissions from boiler units 1, 3, and 4, which are subject to the Wyoming Air Quality Standards and Regulations, Sections 14.b. and 14.h. These regulations, respectively, limit visible emissions and limit particulate emissions from existing fuel-burning equipment, and are part of the federally-approved Wyoming State Implementation Plan.

While the delayed compliance order conforms to the format of an order issued pursuant to Section 113(d)(1) of the Act, the order contemplates that compliance will be achieved through termination of operation of the boilers. This method of compliance may be permitted only if the requirements of Section 113(d)(3) of the Act are met. The order does not meet the requirements of Section 113(d)(3) in that no bond or other surety has been posted. For this reason, EPA has preliminarily determined that the order does not comply with the requirements of Section

113(d), but specifically requests public comment on this matter.

Disapproval of the order by EPA may subject the source to Federal enforcement action under Section 113 of the Act as well as citizens' suits under Section 304 of the Act.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 2, 1979.

Alan Merson,

Regional Administrator, Region VIII.

[FRL 1098-a]

[FR Doc. 79-11791 Filed 4-13-79; 8:43 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Approval of Delayed Compliance Order Issued by the State of Wyoming, Department of Environment Quality to FMC Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve a delayed compliance order issued by the State of Wyoming, Department of Environment Quality, to FMC Corporation, Industrial Chemical Group Plant, located in Kemmerer, Wyoming. The order requires FMC Corporation to bring air emissions from the front end incinerator at its Industrial Chemical Group Plant located in Kemmerer, Wyoming, into compliance with applicable regulations contained in the Wyoming State Implementation Plan (SIP) by March 31, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by this order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before May 11, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mrs. Cay White, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, telephone (303) 837-2361.

SUPPLEMENTARY INFORMATION: FMC Corporation operates a chemical plant in Kemmerer, Wyoming. The order under consideration addresses emissions from the front end incinerator, which is subject to the Wyoming Air Quality Standards and Regulations, Sections 14.b. and 14.g. These regulations, respectively, limit visible emissions and limit particulate emissions from process industries, and are part of the federally-approved Wyoming State Implementation Plan. The order requires compliance with the regulations by March 31, 1979, through the implementation of the following schedule for the construction and installation of control equipment:

1. 4/31/78—Commence construction of replacement unit.
2. 7/31/78—Submit report on status.
3. 10/30/78—Submit report of status.
4. 12/31/78—Finish construction.
5. 3/31/79—Achieve and demonstrate final compliance with Sections 14.b. and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has preliminarily determined that the order complies with those requirements, but specifically requests public comment on those matters.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations

covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Wyoming SIP. Compliance with the proposed order will not exempt the FMC Corporation from complying with applicable requirements contained in any subsequent revisions to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the *Federal Register* the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: April 2, 1979.

Alan Merson,

Regional Administrator, Region VIII.

[FRL 1099-1; Docket No. A-79-8]

[FR Doc. 79-11792 Filed 4-13-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 130]

Library Services and Construction; Availability of Draft Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of Availability of draft regulations.

SUMMARY: Notice is given that draft regulations implementing the 1977 amendments to the Library Services and Construction Act are now available to the public. These regulations implement Pub. L. 95-123 and govern three new provisions of the Act:

(1) Federal funds spent for administration shall now be matched with State or other non-Federal funds;

(2) The base year for meeting maintenance of effort requirements for services for handicapped and institutionalized persons is the second preceding FY to the year for which funds are requested; and

(3) Additional emphasis has been placed on strengthening major urban resource libraries.

ADDRESS: Copies of these draft regulations may be obtained by writing to: Ms. Elizabeth Hughey, 400 Maryland Avenue, S.W., (Rm 3319B—ROB-3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Ms. Elizabeth Hughey, (202) 472-5150.

SUPPLEMENTARY INFORMATION: The Library Services and Construction Act (LSCA) provides assistance to the States to extend public library services to areas where they do not exist and to improve these services where they are inadequate.

Originally enacted as the Library Services Act in 1956, Pub. L. 84-597, the LSCA has been amended and extended through subsequent years. Pub. L. 95-123 extends the program through fiscal year 1982.

The Act has four titles:

- I Library Services.
- II Public Library Construction.
- III Interlibrary Cooperation.
- IV Older Readers Services.

However, no funds have been requested or appropriated for this title since it was enacted.

Beginning with the extension in 1970, the emphases in title I (Library Services) have been to—

(1) Provide library services to disadvantaged persons in both rural and urban areas;

(2) Extend library services to the State's institutionalized residents and to the physically handicapped, including the blind;

(3) Strengthen metropolitan public libraries that serve as national or regional resource centers; and

(4) Improve and strengthen the capacity of State library administrative agencies to meet the needs of all the people of their respective States.

In 1975 another priority, library services to persons of limited English-speaking ability, was added as specified in the Education Amendments of 1974.

A new priority is added to title I (Library Services) in the 1977 amendments and is implemented by these regulations: To improve the capability of public libraries in densely populated areas to serve as major resource libraries.

Because of the value of their collections to individual users and to other libraries, these libraries need special assistance to furnish services at a level required to meet the demands for these services. This amendment is applicable only if the annual appropriation for title I (Library Services) exceeds \$60,000,000.

Procedural requirements to carry out this new priority have been included in the Basic State Plan provisions of § 130.16 (*Basic State plan*) and the long-range program provisions of § 130.19 (*Long-range program*) of the regulations.

In addition, these amendments provide that any Federal funds

expended for the administration of the Act must be equally matched by State or other non-Federal funds. The amendments provide, also, that funds available for expenditure for library services to the physically handicapped and the institutionalized in the current fiscal year shall be not less than the amount expended in the second preceding fiscal year.

A notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* on June 5, 1978 (43 FR 24334). Twelve comments were received in response to the NPRM. The overall reaction to the regulations was supportive.

These draft regulations have not been adopted as official views of either the U.S. Office of Education or the Department of Health, Education and Welfare. They have no legal effect.

Dated: April 9, 1979.

Ernest L. Boyer,

U.S. Commissioner of Education

[FR Doc. 79-11735 Filed 4-13-79; 8:45 am]

BILLING CODE 3510-16-M

LEGAL SERVICES CORPORATION

[45 CFR Part 1624]

Rehabilitation Act of 1973; Implementation of Section 504

AGENCY: Legal Services Corporation.

ACTION: Proposed Regulation.

SUMMARY: This proposed regulation implements section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to recipients of funds from the Legal Services Corporation. The Legal Services Corporation was created by Act of Congress, 42 U.S.C. 2996, and is entirely supported by funds provided by Congressional appropriation. The proposed regulation will replace an instruction published last year, 43 FR 13927-8 (April 3, 1978), and is intended to insure that federally assisted legal services programs and activities are operated without discrimination on the basis of handicap.

DATES: Comments must be received by May 16, 1979.

ADDRESS: Legal Services Corporation, 733 15th Street, N.W., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Perle, 202-376-5100.

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of handicap by recipients of federal assistance. Pursuant to Executive Order 11914 (April 29, 1976)

the Department of Health, Education, and Welfare was given the responsibility to coordinate the implementation of section 504 among all federal agencies and departments that dispense federal assistance. On January 13, 1978, H.E.W. issued regulations that defined generally the types of practices forbidden by the Rehabilitation Act and spelled out the responsibilities of federal agencies to implement and enforce Section 504. See 45 CFR 85.1-85.58.

The Corporation is not a federal agency or department, and is not required to issue implementation and enforcement regulations. Corporation-funded programs, however, are recipients of federal assistance and are subject to the non-discrimination requirements of section 504. The Corporation, therefore, has undertaken to ensure that its funds are not used in a manner that discriminates against the handicapped in violation of section 504.

On April 3, 1978, the Corporation published for comment a proposed instruction "designed to insure that every recipient of Corporation funds complies with section 504 of the Rehabilitation Act. . . ." Comments were received that raised a variety of issues about the form and content of the Corporation's response to section 504.

This proposed regulation has been prepared as a substitute for the original instruction. It contains substantially more detail than the instruction, but attempts to tailor the provisions to the realities of legal services practices.

In preparing the proposed regulation, the Corporation faced several general issues at the outset. The first related to the format in which the Corporation would present its Section 504 policy. Many commentators objected to the fact that the policy was originally stated as an instruction, rather than as a regulation. The use of this format was not intended to denigrate the importance of the policy, nor to imply that the Corporation would monitor compliance less forcefully than it does with respect to regulations. In order to prevent confusion, however, the Corporation has decided to issue the policy in the form of a regulation rather than an instruction.

The second general issue concerned the extent to which the regulation would follow the guidelines issued by the Department of Health, Education, and Welfare. See 45 C.F.R. Sections 85.1-85.58. As a general rule of thumb, the proposed regulation tracks those guidelines, so legal services programs that receive funds from more than one federal source will not have different standards to deal with, and the Corporation will be able to use

interpretations of the H.E.W. guidelines in its monitoring efforts whenever appropriate.

Nevertheless, because the H.E.W. guidelines were designed to cover a number of vastly different programs, many of the provisions are either irrelevant to or inappropriate for legal services programs. Those that are irrelevant were not included in the proposed regulation; those that cause problems were treated on a case-by-case basis. Some have been included in part; others have been modified to fit the circumstances of Corporation grantees; still others were excluded entirely where not necessary to the basic purposes of Section 504. In some instances the language of certain guidelines has been revised to reflect more clearly their purpose, without changing the substance of those provisions.

The remainder of this comment discusses those specific sections of the proposed regulation that differ from the original proposed instruction or from the H.E.W. guidelines. The order is keyed to the provisions as they appear in the proposed regulation.

Secs. 1624.1 (Purpose); 1624.2 (Application); and 1624.3 (Definitions)—The original instruction used the term "recipient" to designate the class of programs covered by the policy. Corporation regulations (45 C.F.R. Section 1600.1) define "recipient" to include only those "grantees or contractors receiving financial assistance from the Corporation under Section 1006(a)(1)(A) of the Act." This definition excludes some special grantees such as the Delivery Systems Study demonstrations and the Quality Improvement Projects that receive funds for innovative or experimental programs. The H.E.W. definition of "recipient" is much broader, and would include those special grants. Rather than using a different definition for a term that has come to have a specific meaning in the context of Corporation regulations, the proposed regulation uses an entirely new term—legal services program—that incorporates the broader H.E.W. definition.

The definition of "physical or mental impairment", Section 1624.3(c)(2)(i), in the original instruction inadvertently excluded certain terms used by H.E.W.—i.e., "reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. . . ." These terms have been included in the draft regulation.

The definition of "is regarded as having an impairment", Section 1624.3(c)(2)(iv), in the original

instruction did not include the last provision that is found in the H.E.W. guidelines—" "(C) has none of the impairments defined in paragraph (c)(2) of this section but is treated by a legal services program as having such an impairment." This omission was also inadvertent, and the provision is included in the proposed regulation.

Sec. 1624.4 (Discrimination Prohibited)—The original instruction contained a policy statement that was essentially identical to the first section of the general prohibitions against discrimination in the H.E.W. guidelines. See 45 CFR 85.51(a). In addition to this general prohibition, the H.E.W. guidelines contain several examples of practices considered to be discriminatory. Many of these examples are not relevant to legal services and might have an unintended and undesirable effect. In drafting the proposed regulation, therefore, the Corporation included only those examples that are directly relevant to the operations of legal services programs.

The H.E.W. guidelines contain a provision that relates to "the existence of permissibly separate or different programs or activities." See 45 CFR 85.51(b)(2). The import of the provision, which is reflected in Section 1624.4(b) of the proposed regulation, is to prohibit a program from designating a specialized unit or particular office as the sole location for the delivery of services to handicapped persons. It is not intended to prohibit a program from setting up special units to handle only problems that relate to handicapped status or to contradict the provisions permitting a program to make only specific locations physically accessible, as long as its services are accessible "when viewed as a whole." The language of Section 1624.4(b) has been redrafted to state in clear terms this intended meaning.

Section 1624.4(c) deals with the selection of locations or sites for legal services facilities. With minor changes the proposed provision tracks the language of the H.E.W. guidelines. See 45 CFR 85.51(b)(4). The second section of the guidelines, which prohibits selection of sites "that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons," is omitted, because it adds nothing of substance that is not covered by the general prohibitions against discrimination, and only confuses an otherwise clear requirement.

Section 1624.4(d) is a new provision, not found in the original Corporation

instruction or the H.E.W. guidelines. It is modeled on a provision of regulations issued by H.E.W. to implement Section 504 with respect to its own grantees, *see* 45 C.F.R. Section 84.5(d), and was included in recognition of the essential need for effective communication between a legal services program and its clients. The section requires all legal services programs that employ more than fifteen people, as well as those smaller programs that the Corporation determines to be capable, to provide auxiliary aids such as brailled materials or interpreters, where necessary to afford handicapped persons "an equal opportunity to benefit from the . . . program's services."

The fifteen-employee cut-off was chosen on the basis of two assumptions: first that a program with fifteen employees will have a sufficiently large budget to enable it to obtain access to such aids without jeopardizing the program's other activities, and, second, that a program of that size will serve a sufficiently large population to have a significant number of potential clients who could benefit by the availability of the aids.

The original instruction contained a provision requiring programs to "adopt procedures to insure that handicapped persons obtain information about the availability of legal services. . . ." The provision was designed to ensure that informational materials and other outreach activities would be prepared or conducted so that interested handicapped persons, including those with impaired vision or hearing, would have access to the available information that the program provides about its services. The provision, as originally drafted, went beyond what was intended, since it implied that programs were required to ensure that handicapped persons received information that might not be available to non-handicapped persons. The proposed provision, § 1624.4, tracks the language on communications suggested by the H.E.W. guidelines. *See* 45 C.F.R. 85.51(e).

Section 1624.4(f) essentially adopts the language of the H.E.W. guidelines that requires that handicapped persons be afforded a meaningful opportunity to participate in meetings or other planning activities. Because the setting of priorities is a fundamental requirement of the Legal Services Corporation Act, the proposed regulation emphasizes that handicapped persons must have an opportunity to participate in priority-setting activities under Part 1620 of the Regulations, 45 C.F.R. 1620. The latter Regulation, of course, requires both that

handicapped persons be included in the priority-setting process, and that their special needs for access to legal services be considered during that process.

Section 1624.5 (Accessibility of Legal Services)—The original instruction discussed the requirements of this section in terms of the "availability of legal assistance." The proposed regulation uses the phrase "accessibility of legal services", to clarify that these provisions relate primarily to physical access to facilities where legal services are provided. The H.E.W. guidelines also use the term "accessibility," and there seems to be no reason to deviate from that usage.

Section 1624.5(a) contains an express prohibition on discrimination against handicapped persons because of the inaccessibility of a program's facilities. It was added to state explicitly what was implicit in the proposed instruction and to track the language in the H.E.W. guidelines. *See* 45 C.F.R. 85.56.

Both the H.E.W. guidelines and the instruction noted that the accessibility requirement did not require a legal services program to make each and every part of its existing facilities accessible to and usable by handicapped persons. The instruction also included a list of alternative methods that could be used to achieve compliance. In drafting section 1624.5(b), this list of alternatives was omitted to emphasize that programs are required to "give priority to those methods that offer legal services to handicapped persons in the most integrated setting appropriate." Programs may use alternatives, such as home visits or delivery of services at alternative accessible sites, but the preferred methods of compliance are those that encourage "mainstreaming" of handicapped clients.

The original instruction required programs to determine the cost of structural changes that would make existing facilities accessible; no such changes were to be made without prior approval of the Regional Office. Section 1624.7(a) requires a similar determination ("cost of structural or other changes necessary to make each of its facilities accessible") as part of an overall self-evaluation, but removes the need for Regional Office approval. Such structural changes may well be minor; payment for major changes must be made in accordance with the procedures set forth in the Corporation's Audit and Accounting Guide.

The original instruction provided that a program "make every reasonable effort to insure that new facilities it rents or purchases are accessible to handicapped persons." In order to

insure the effectiveness of this requirement, a provision has been added in § 1624.5(c), obligating programs to certify to the Regional Office, prior to entering into a lease or contract, that the new facilities will be accessible or, if they will not be, describing the reasons and steps that will be taken to insure that services will be accessible. Recertification is required only if substantial changes are made that affect accessibility of the facility.

The H.E.W. guidelines contain a provision relating to new construction and alterations. *See* 45 C.F.R. 85.58. Although funds provided to legal services programs have not generally been used for the construction of buildings, they have been used for the alterations. Therefore, the appropriate H.E.W. language has been included in § 1624.5(d).

Section 1624.6 (Employment)—Section 1624.6 of the proposed regulation includes the general prohibition against discrimination in employment contained in the H.E.W. guidelines. Also included are provisions of the guidelines that list activities to which the prohibition applies, including such activities as recruitment, rates of pay, fringe benefits, and training opportunities. *See* 45 C.F.R. 85.52(b)(d).

The only significant departure from the language of the guidelines is in § 1624.6(d), which prohibits contractual or other relationships with agencies or organizations such as unions or employment agencies that have "the effect of subjecting qualified handicapped applicants or employees to discrimination. . . ." The provision has been clarified to reflect that it applies to discriminatory practices by agencies or organizations, and does not prohibit programs, for example, from refusing to hire handicapped applicants who are not union members or who are not referred by an employment agency with which the program has an exclusive contract, provided that the union or employment agency does not discriminate.

The original instruction contained a series of provisions describing the reasonable accommodations that must be made to the physical or mental limitations of a handicapped worker. These provisions are not spelled out in detail in the H.E.W. guidelines, but they are contained in the regulations that apply to programs funded by H.E.W. *See* 45 C.F.R. 84.12(b). These detailed provisions, § 1624.6(e), have been included in the proposed regulation to give programs necessary guidance in determining the circumstances under which accommodations must be made,

and the nature of those accommodations.

The only change from the general statement in the H.E.W. guidelines on accommodation relates to the burden of proof necessary to establish that an undue hardship would be imposed on program operations. The H.E.W. provisions require the recipient to demonstrate that undue burdens would be imposed, clearly placing the burden of proof on the recipient and giving the provision a substantial *in terrorem* effect. The proposed regulation is silent on where the burden of proof falls, leaving that question open for later interpretation as the Corporation develops more experience dealing with the provision.

The H.E.W. guidelines also contain prohibitions against the use of discriminatory employment tests or criteria and preemployment examinations or inquiries. The Corporation has substantially adopted these provisions in § 1624.6(f) and (g).¹

Section 1624.7 (Self-Evaluation)—The original instruction contained a provision requiring a recipient to conduct a self-evaluation of the extent to which its current facilities, policies and practices comply with the stated requirements, and prepare and submit to the Regional Office a plan to insure future compliance. The self-evaluation and the plan were to be completed within one year of the effective date of the instruction.

Section 1624.7 maintains the requirement for a self-evaluation, but omits the provision for a plan. Since the proposed regulation is considerably more detailed than the original instruction, there is less need for a formal compliance plan. In addition, programs are under increasing obligations from the Corporation and other funding sources to prepare plans for numerous aspects of their operations and provide information on a wide variety of issues. The plan requirement was omitted to avoid adding unnecessarily to the burgeoning administrative requirements under which Corporation grantees now operate.

Nevertheless, in order to ensure that programs begin the required self-

evaluation immediately and take seriously their responsibilities to make programs and activities accessible to handicapped persons, two additional changes have been made in the provision. First, the self-evaluation must be completed by January 1, 1980, regardless of the effective date of the regulation. Legal services programs have been on notice for some time that they are subject to the provisions of Section 504, and many are already obligated to meet the Section 504 requirements of other federal funding sources, particularly H.E.W. Given this reality, a January 1 deadline is reasonable. Second, the results of the self-evaluation, including plans and timetables for correcting deficiencies, are to be made available to the Corporation's Regional Offices for use in their regular monitoring activities, and to other persons who might have an interest in ensuring accessibility of legal services program activities.

Section 1624.8 (Enforcement)—The proposed regulation contains an enforcement section indicating that alleged violations of this part are to be handled in accordance with Part 1618 of the Corporation's regulations. This section was added to emphasize that enforcement of these regulations is an important part of the Corporation's overall responsibilities.

It is proposed that Title 45 of the Code of Federal Regulations be amended by adding a new Part 1624 to read as follows:

PART 1624 PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF HANDICAP

Sec.

- 1624.1 Purpose.
- 1624.2 Application.
- 1624.3 Definitions.
- 1624.4 Discrimination prohibited.
- 1624.5 Accessibility of legal services.
- 1624.6 Employment.
- 1624.7 Self-evaluation.
- 1624.8 Enforcement.

Prohibition Against Discrimination on the Basis of Handicap

§ 1624.1 Purpose.

The purpose of this part is to insure that every legal services program supported in whole or in part by Legal Services Corporation funds complies with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.

§ 1624.2 Application.

This part applies to each legal services program receiving financial assistance from the Legal Services Corporation.

§ 1624.3 Definitions.

As used in this part, the term:

(a) "Legal services program" means any recipient, as defined by Part 1600.1 of these regulations, or any other public or private agency, institution, organization, or other entity, or any person to which or to whom financial assistance is extended by the Legal Services Corporation directly or through another agency, institution, organization or entity, but does not include the ultimate beneficiary of legal assistance;

(b) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property;

(c)(1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment;

(2) As used in subparagraph (1) the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(iii) "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a legal services program as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairments; or (C) has none of the impairments defined in paragraph (c)(2) of this section but is treated by a legal services program as having such an impairment;

¹ Section 85.55 refers to 45 CFR 84.14 to describe the limited circumstances under which medical examinations and inquiries are permitted. They deal with situations such as remedial action to correct prior discrimination and medical examinations given to all newly hired employees prior to beginning duty. Section 85.55(d) deals with situations in which confidential medical information may be revealed and includes reference to "government officials investigating compliance with the Act." We have excluded this last provision of the section.

(d) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) with respect to other services, a handicapped person who meets the eligibility requirements for the receipt of such services from the legal services program.

§ 1624.4 Discrimination prohibited.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by any legal services program, directly or through any contractual or another arrangement.

(b) A legal services program may not deny a qualified handicapped person the opportunity to participate in any of its programs or activities or to receive any of its services on the ground that there exists a separate or different program, activity or facility that is specifically designed to serve handicapped persons.

(c) In determining the geographic site or location of a facility, a legal services program may not make selections that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity of the legal services program.

(d) (1) A legal services program that employs fifteen or more persons at one or more locations shall provide appropriate auxiliary aids to persons with impaired sensory, manual or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the legal services program's services.

(2) The Corporation may require legal services programs with fewer than fifteen employees to provide auxiliary aids where the provision of aids would not significantly impair the ability of the legal services program to provide its services.

(3) For the purpose of § 1624.4(d) (1) and (2), auxiliary aids include, but are not limited to, brailled and typed material, interpreters, and other aids for persons with impaired hearing, speech or vision.

(e) A legal services program shall take appropriate steps to ensure that communications with its applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

(f) A legal services program may not deny handicapped persons the opportunity to participate as members of or in the meetings or activities of any planning or advisory board or process

established by or conducted by the legal services program, including but not limited to meetings and activities conducted in response to the requirements of Part 1620 of these regulations.

§ 1624.5 Accessibility of legal services.

(a) No qualified handicapped person shall, because a legal services program's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination by any legal services program.

(b) A legal services program shall conduct its activities so that its programs and activities, when viewed in their entirety, are readily accessible to handicapped persons. This paragraph does not necessarily require a legal services program to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons, or require a legal services program to make structural changes in existing facilities when other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of this paragraph, a legal services program shall give priority to those methods that offer legal services to handicapped persons in the most integrated setting appropriate.

(c) A legal services program shall make every reasonable effort to insure that new facilities that it rents or purchases are accessible to handicapped persons. Prior to entering into any lease or contract for the purchase of a building, a legal services program shall submit a statement to the appropriate Regional Office certifying that the facilities covered by the lease or contract will be accessible to handicapped persons, or if the facilities will not be accessible, the reasons why that facility was nevertheless selected and the specific steps that will be taken by the legal services program to insure that its services are accessible to handicapped persons who would otherwise use that facility. After a certification of accessibility has been submitted for a facility, a certificate need not be resubmitted with respect to the same facility, unless substantial changes have been made that affect the accessibility of that facility.

(d) New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to make the

altered facilities readily accessible to and usable by handicapped persons.

§ 1624.6 Employment.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment by any legal services program.

(b) A legal services program shall make all decisions concerning employment under any program or activity to which this part applies in a manner that ensures that discrimination on the basis of handicap does not occur, and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the legal services program.

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A legal services program may not participate in any contractual or other relationship with agencies or organizations such as employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the legal services program, and organizations providing training and apprenticeship programs, if the practices of such agency or organization have the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart.

(e) A legal services program shall make reasonable accommodation to the

known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation would impose an undue hardship on the operation of the program.

(1) For purposes of this paragraph (e), reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by handicapped persons, and (ii) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(2) In determining whether an accommodation would impose an undue hardship on the operation of a legal services program, factors to be considered include the overall size of the legal services program with respect to number of employees, number and type of facilities, and size of budget, and the nature and costs of the accommodation needed.

(3) A legal services program may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is a need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(f) A legal services program may not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

(g) A legal services program may not conduct a preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except under the circumstances described in 45 CFR 84.14 (a)-(c).

(h) Any recruitment materials published or used by a legal services program shall include a statement that the legal services program does not discriminate on the basis of handicap in violation of Section 504 of the Rehabilitation Act of 1973.

§ 1624.7 Self-evaluation.

(a) By January 1, 1980 legal services program shall evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, the extent to which its current facilities, policies and practices comply with the requirements of this part and the cost of structural or other changes necessary to make each of its facilities accessible to handicapped persons.

(b) The results of this self-evaluation, including steps the legal services program plans to take to correct any deficiencies revealed and the timetable for completing such steps, shall be made available for review by the Corporation and other interested persons.

§ 1624.8 Enforcement.

The procedures described in Part 1618 of these regulations shall apply to any alleged violation of this part by a legal services program.

Stephen S. Walters,

Acting General Counsel, Legal Services Corporation.

[FR Doc. 79-11796 Filed 4-13-79; 8:45 am]

BILLING CODE 6920-35-M

FEDERAL MARITIME COMMISSION

[46 CFR Chapter IV]

Self-Policing of Independent Liner Operators

AGENCY: Federal Maritime Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission is considering promulgating a rule under the authority of the Shipping Act, 1916, requiring independent liner operators in the U.S. foreign commerce to subject themselves to a self-policing program. The purpose of this Advance Notice is to solicit comments and information from the public on the nature, scope and operation of a self-policing system for independent liner operators.

DATES: Comments must be submitted on or before May 16, 1979.

ADDRESSES: Comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, Telephone (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is responsible for administering provisions of the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*) which forbid rebating and other malpractices by common carriers by water in the foreign commerce of the United States. Since 1965, an important aspect of the Commission's anti-rebating program has been its regulations requiring conferences and other rate-making bodies to undertake a program of self-policing (46 CFR Part 528). The Commission recently revised these regulations to require that self-policing be performed by "neutral bodies" in

most instances. Docket No. 73-64, *Additional Provisions and Reporting Requirements Applicable to Self-Policing Systems Under General Order 7*, September 14, 1979.

Present FMC self-policing regulations apply only to carriers engaged in rate-making activities approved under section 15 of the Shipping Act, 1916, (46 U.S.C. 814) ¹ and not to nonconference or "independent" carriers.² However, rebating and similar schemes by which shippers obtain transportation at less than tariff rates, are not engaged in solely by carriers which belong to rate-making bodies.

Accordingly, the Commission is considering whether to adopt rules requiring independent carriers to participate in self-policing programs. It would be useful, however, to receive public comments regarding the appropriate nature, scope and feasibility of a policing requirement for independent carriers prior to proposing specific regulations. Specific comments are sought on the following issues as well as any related matters believed relevant:

1. Is policing of independents necessary or useful? Why or why not?
2. Is policing of independents feasible? Why or why not?
3. The Commission is considering a proposed rule which would either require independent liner operators to police themselves in an acceptable manner, or require such independents to subject themselves to policing by a neutral body. Commentators are requested to state which alternative is preferable, the reason for that opinion, the general procedures which will enable that alternative to most effectively function, and the statutory or other legal authority relied upon to support the views expressed.
4. To what extent can and should the specific provisions of General Order 7 be made applicable to independent liner operators?
5. Is it feasible to require independents to subject themselves to policing by the particular neutral body active in the applicable trade?
6. Is it feasible to assess penalties against independents for violations discovered by the policing authority? Who would collect the penalty? What would be done with the funds which are collected? Are there any other practical problems associated with assessment or collection of penalties?

¹ Section 528.6 of General Order 7 specifically exempts two-party rate agreements from the requirements of that Order.

² Section 15 expressly directs the Commission to disapprove agreements found to have "inadequate policing."

7. How should the Commission most effectively monitor the policing of independents?

Comments from shippers and carriers would be particularly useful. All commenting parties are encouraged to fully discuss the seven areas of concern specified above as well as any other issues they consider relevant to the question of self-policing of independent carriers. It is urged that all comments be specific and supported with factual material whenever possible.

By the Commission.

Francis C. Hurney,
Secretary.

[Docket No. 79-36]

[FR Doc. 79-11698 Filed 4-13-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Arnaudville Industries, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require an Arnaudville, La. manufacture and seller of mobile homes to cease improperly designating its warranties; and failing to include in its warranties all the information required by the Disclosure Rule, 16 CFR part 701 (1977). The order would further require that purchasers of firm's products manufactured after July 4, 1975, whose warranties are still in effect, be informed, as prescribed, of their legal rights and the firm's obligations under warranties.

DATE: Comments must be received on or before June 15, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PR, Michael E. K. Mpras, Washington, D.C. 20580. (202) 523-1642.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rule's of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to

cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

Arnaudville Industries, Inc.

[File No. 792 3075]

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Arnaudville Industries, Inc., a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Arnaudville Industries, Inc., a corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of Louisiana with its office and principal place of business located at Highway 31, P.O. Box 79, Arnaudville, Louisiana 70512.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the

Commission's decision contain a

statement of findings of fact and

conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it together with related materials pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue

and serve its decision, in disposition of the proceeding. The Commission may, at any time pending issue of this order, require hearings on the relief requirements provided by this order.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission, pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. Definitions

For the purposes of this order the definitions of the terms "written warranty" and "consumer product" as defined in section 101 of the Warranty Act shall apply.

II.

It is ordered. That respondent Arnaville Industries, Inc., a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or indirectly, through any corporation, subsidiary, division or any other device in connection with the advertising, offering for sale and sale of mobile homes and all other consumer products, do forthwith cease and desist from:

1. Offering or granting a written warranty on consumer products actually costing the consumer in excess of \$10.00 which is not clearly and conspicuously designated as either a "full (statement of duration) warranty" or a "limited warranty."

2. Offering or granting a written warranty on consumer products actually costing the consumer in excess of \$15.00, which fails to clearly and conspicuously disclose, in a single document, in simple and readily understood language, the following information:

"This warranty gives you specific legal rights, and you may also have other rights which vary from state to state."

3. Offering or granting a written warranty on consumer products actually costing the consumer in excess of \$15.00, and which excludes or limits relief such as incidental or consequential damages, which fails to clearly and conspicuously disclose, in a single document, in simple and readily understood language, the following information:

"Some States do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you."

4. Offering or granting a written warranty on consumer products actually costing the consumer in excess of \$15.00, which fails to comply with the Warranty Act, the Rule concerning the Disclosure of Written Consumer Product Warranty Terms and Conditions (16 CFR Part 701 (1977)) (effective January 1, 1977) ("Disclosure Rule") the Rule concerning the Pre-Sale Availability of Written Warranty Terms (16 CFR Part 702 (1977)) (effective January 1, 1977) ("Pre-Sale Rule"), and the Rule concerning the Informal Dispute Settlement Procedures (16 CFR Part 703) (1977) (effective January 1, 1977).

III.

It is further ordered. That respondent:

A. Shall, in performing pursuant to its written warranties, meet the minimum requirements of section 104 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act

("Warranty Act") for all consumer products sold by respondent which are still under warranty as of the effective date of the order, and which were manufactured after July 4, 1975. This provision is limited to warranties issued by respondent which did not comply with the Warranty Act and the Disclosure Rule as stated in the complaint.

B. Notify all consumers affected by Paragraph A., above, by mailing to each such consumer the notice set forth in Appendix B of this order within 30 days from the effective date of the order. Respondent shall obtain the names and addresses of such consumers from its files and/or from the files of all retail outlets which sell respondent's products.

C. Shall not raise any defenses arising from the use of the term "Limited Warranty" in any case, suit or other proceeding brought against respondent by consumers affected by Paragraph A. above.

D. Notify, within 30 days from the effective date of the order, all its dealers who sell respondent's mobile homes, and all its agents and employees who are authorized to handle warranty claims, of all changes in its written warranties, including, but not limited to, consumer rights and remedies available to them under the warranty and this order.

E. Deliver a copy of this order to cease and desist to all present employees, salesmen, agents, independent contractors and other representatives engaged in the preparation and distribution of written warranties, and in the sale of warranted consumer products on behalf of respondent and secure a signed statement acknowledging receipt of the order from each such person.

F. Maintain complete records for a period of three (3) years from the effective date of the order to be furnished upon request to the staff of the Federal Trade Commission, including, but not limited to, copies of complaints, requests for service, service records, letters mailed to consumers pursuant to Paragraph B of the Order, written warranties, and any other written communications between respondent and its customers which relate to warranty service and performance.

G. Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may

affect compliance obligations arising out of the order.

H. Shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Appendix A

PART 701—DISCLOSURE OF WRITTEN CONSUMER PRODUCT WARRANTY TERMS AND CONDITIONS

Sec.

701.1 Definitions.

701.2 Scope.

701.3 Written warranty terms.

701.4 Owner registration cards.

Authority: 15 U.S.C. 2302 and 2309.

§ 701.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C. 2301, *et seq.*

(b) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed. Products which are purchased solely for commercial or industrial use are excluded solely for purposes of this Part.

(c) "Written warranty" means—(1) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(3) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis for the bargain between a supplier and a buyer for purposes other than resale of such product.

(d) "Implied warranty" means an implied warranty arising under State law (as modified by secs. 104(a) and 108 of the Act) in connection with the sale by a supplier of a consumer product.

(e) "Remedy" means which ever of the following actions the warrantor elects:

(1) repair.

(2) replacement, or

(3) refund; except that the warrantor may not elect refund unless: (i) the warrantor is unable to provide replacement and repair is not commercially practicable or cannot be timely made, or

(ii) the consumer is willing to accept such refund.

(f) "Supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(g) "Warrantor" means any supplier or other person who gives or offers to give a written warranty.

(h) "Consumer" means a buyer (other than for purposes of resale or use in the ordinary course of the buyer's business) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty applicable to the product, and any other such person who is entitled by the terms of such warranty or under applicable State law to enforce against the warrantor the obligations of the warranty.

(i) "On the face of the warranty" means—(1) where the warranty is a single sheet with printing on both sides of the sheet or where the warranty is comprised of more than one sheet, the page on which the warranty text begins;

(2) where the warranty is included as part of a larger document, such as a use and care manual, the page in such document on which the warranty text begins.

§ 701.2 Scope.

The regulations in this part establish requirements for warrantors for disclosing the terms and conditions of written warranties on consumer products actually costing the consumer more than \$15.00.

§ 701.3 Written warranty terms.

(a) Any warrantor warranting to a consumer by means of a written warranty a consumer product actually costing the consumer more than \$15.00 shall clearly and conspicuously disclose in a single document in simple and readily understood language, the following items of information: (1) The identity of the party or parties to whom the written warranty is extended, if the enforceability of the written warranty is limited to the original consumer purchaser or is otherwise limited to persons other than every consumer owner during the term of the warranty;

(2) A clear description and identification of products, or parts, or characteristics, or components or properties covered by and where

necessary for clarification, excluded from the warranty;

(3) A statement of what the warrantor will do in the event of a defect, malfunction or failure to conform with the written warranty, including the items or services the warrantor will pay for or provide, and, where necessary for clarification, those which the warrantor will not pay for or provide;

(4) The point in time or event on which the warranty term commences, if different from the purchase date, and the time period or other measurement of warranty duration;

(5) A step-by-step explanation of the procedure which the consumer should follow in order to obtain performance of any warranty obligation including the persons or class of persons authorized to perform warranty obligations. This includes the name(s) of the warrantor(s), together with: the mailing address(es) of the warrantor(s), and/or the name or title and the address of any employee or department of the warrantor responsible for the performance of warranty obligations, and/or a telephone number which consumers may use without charge to obtain information on warranty performance;

(6) Information respecting the availability of any informal dispute settlement mechanism elected by the warrantor in compliance with Part 703 of this subchapter;

(7) Any limitations on the duration of implied warranties, disclosed on the face of the warranty as provided in Section 108 of the Act, accompanied by the following statement:

Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

(8) Any exclusions of or limitations on relief such as incidental or consequential damages, accompanied by the following statement, which may be combined with the statement required in sub-paragraph (7) above:

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

(9) A statement in the following language:

This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

(b) Paragraph (a)(1)–(9) of this Section shall not be applicable with respect to statements of general policy on emblems, seals or insignias issued by third parties promising replacement or refund if a consumer product is defective, which statements contain no

representation or assurance of the quality or performance characteristics of the product; provided that (1) the disclosures required by paragraph (a)(1)–(9) are published by such third parties in each issue of a publication with a general circulation, and (2) such disclosures are provided free of charge to any consumer upon written request.

§ 701.4 Owner registration cards.

When a warrantor employs any card such as an owner's registration card, a warranty registration card, or the like, and the return of such card is a condition precedent to warranty coverage and performance, the warrantor shall disclose this fact in the warranty. If the return of such card reasonably appears to be a condition precedent to warranty coverage and performance, but is not such a condition, that fact shall be disclosed in the warranty.

Appendix B

[Date] _____

[Name and address of Consumer]

Dear [Name of Consumer]: Following a review of our written warranty by the Federal Trade Commission, it was pointed out to us that we had made a few errors in our warranty. We have voluntarily agreed with the FTC to write you this letter as part of a way to correct those errors.

Now you have some added warranty protection for your mobile home.

The Federal Warranty Act requires warranties to be labeled as full warranties or as limited warranties. Because our warranty was titled "full one year limited warranty," we will treat it as a full warranty.

Here is what this means.

(1) If a manufacturing defect shows up in the first year since you got your home, we will fix it free. We will also pay for removal, reinstallation, on-site repairs and shipping if needed.

(2) We will fix the problem within a reasonable time after you tell us about it.

(3) If we try a reasonable number of times and still can't fix the problem, we will replace the defective part. If the problem is sufficiently serious and we can't fix it, we will either give you a new mobile home, or if you prefer, we will give you your money back. However, we will not be responsible for fixing any damage caused by your misuse or abuse of the home, or by such uncontrollable forces as lightning, floods and the like.

Also, some parts of your mobile home, such as your kitchen appliances,

carpets, draperies, furniture and other such items, are not covered by our written warranty. These items are covered by written warranties issued by other manufacturers as indicated in your Owner's Manual.

(4) If you sell your home during the first year, the new owner will get the same protection until the warranty ends. If you have already sold your home, please tell the new owner about this, or tell us and we will write to them.

Also, our warranty said we will not pay for any losses caused by a defective product. We want you to know that in some cases, and in some states, even these are covered.

If you have questions or problems, please feel free to contact your dealer. Or call us collect at (tele. no.). We will be glad to help.

Sincerely,
Arnaudville Industries, Inc.

FTC Docket No. _____ (effective date of order)

[File No. 792 3075]

Arnaudville Industries, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Arnaudville Industries, Inc., a corporation, with its principal place of business located at Highway 31, P.O. Box 79, Arnaudville, Louisiana 70512.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become a part of the public record. After sixty (60) days, the Commission will again review the consent order and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Arnaudville manufactures and distributes mobile homes for sale to the general public. In connection with the manufacture and sale of mobile homes, Arnaudville offers a written warranty.

The proposed complaint also alleges that Arnaudville's warranty violated Sections 103 and 110(c)(2) of the Warranty Act and § 701.3(a) (8) and (9) of the Disclosure Rule. Section 103 of the Warranty Act requires that a warranty be labeled either "full (statement of duration) warranty" or "limited warranty". Arnaudville labeled its warranty as a "Full One Year Limited Warranty". Arnaudville's designation is not only improper, but it is also

deceptive in that it may mislead consumers as to the type of warranty being offered, i.e., "Full" or "Limited".

The proposed complaint further alleges that Arnaudville failed to make the following disclosures in its warranty:

(1) "Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you". This disclosure is required by § 701.3(a)(8) of the Disclosure Rule whenever a warrantor excludes or limits incidental or consequential damages in the warranty.

(2) "This warranty gives you specific legal rights and you may also have other rights which vary from state to state."

The agreement to the proposed consent order requires Arnaudville to:

(1) Properly designate its warranty and make all disclosures required by the Disclosure Rule.

(2) Send a letter to its past customers whose warranty is still in effect with the following information:

(a) That because the warranty was deceptively labeled, Arnaudville will treat it as if it were a full warranty.

(b) Arnaudville will fix a defect in the mobile home within a reasonable time.

(c) If a defective part cannot be repaired, it will be replaced, and, if necessary Arnaudville will give consumers a new home, or their money back, at their option.

(d) Some losses caused by a defective home may be paid by Arnaudville.

The purpose of this analysis is to facilitate public comments on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way the terms of the proposed order.

Carol M. Thomas,
Secretary.

[File No. 792 3075]

[FR Doc. 79-11795 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

Madison Mobile-Modular Homes, Inc.; Provisional Consent Agreement

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require an Ontario, Calif. manufacturer and seller of mobile homes to cease failing to properly designate its written

warranties; disclose in its warranties all the information required by the Disclosure Rule, 16 CFR Part 701 (1977); and note in its warranty registration cards that warranty coverage or performance is not conditioned on the return of the cards. The firm would be further required to notify purchasers of its mobile homes manufactured after July 4, 1975 of their implied warranty rights; and make available to these consumers all the relief provided under applicable state laws. Additionally, the order would restrain the firm for four years from raising any defenses relating to the disclaimer of implied warranties in suits brought by affected purchasers.

DATES: Comments must be received on or before June 15, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/PR, Micheal E.K. Mpras, Washington, D.C. 20580. (202) 523-1642.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

Madison Mobile-Modular Homes, Inc.

[File No. 792 3074]

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Madison Mobile-Modular Homes, Inc., a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Madison Mobile-Modular Homes, Inc., a corporation, by its duly authorized

officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its office and principal place of business located at 1555 S. Cucamonga Ave., Ontario, California 91761.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding. The Commission may, at any time pending issue of this order, require hearings on the relief requirements provided by this order.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission, pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The

order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. Definitions

For the purposes of this Order the definitions of the terms "written warranty" and "consumer product" as defined in section 101 of the Warranty Act shall apply.

II.

It is ordered. That respondent Madison Mobile-Modular Homes, Inc., a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or indirectly, through any corporation, subsidiary, division or any other device in connection with the advertising, offering for sale and sale of mobile homes and all other consumer products, do forthwith cease and desist from:

1. Offering or granting a written warranty upon consumer products actually costing the consumer in excess of \$10.00 which is not clearly and conspicuously designated as either a "full (statement of duration) warranty" or a "limited warranty".

2. Offering or granting a written warranty upon any consumer product which limits, modifies or disclaims, in any manner, the implied warranties available to the consumer, including, but not limited to, the implied warranty of merchantability and the implied warranty of fitness for a particular use: *Provided, however,* That nothing contained in this paragraph shall prevent respondent from limiting the duration of such implied warranties to the duration of a limited written warranty pursuant to section 108(b) of

the Warranty Act (15 U.S.C. 2308(b)). Any such limitation shall be immediately followed by the statement specified in 16 CFR 701.3(a)(7).

3. Offering or granting a written warranty upon consumer products actually costing the consumer in excess of \$15.00, which fails to clearly and conspicuously disclose in the warranty the following items of information:

(a) A statement in the following language:

This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

(b) A step-by-step explanation of the procedure which the consumer should follow in order to obtain performance of any warranty obligation, including the persons or class of persons authorized to perform warranty obligations. This includes the name of the warrantor, together with the mailing address of the warrantor, and/or the name or title and the address of any employee or department of the warrantor responsible for the performance of warranty obligations, and/or a telephone number which consumers may use without charge to obtain information on warranty performance.

4. Offering or granting a written warranty upon consumer products actually costing the consumer in excess of \$15.00, and which excludes or limits relief such as incidental or consequential damages, which fails to clearly and conspicuously disclose in the warranty a statement in the following language:

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

5. Offering or granting a written warranty upon any consumer product actually costing the consumer in excess of \$15.00 which employs the use of any card such as an owner's registration card, warranty registration card, warranty coupon, or the like, unless it is clearly and conspicuously disclosed in the warranty that the return of such card or coupon is not a condition precedent to warranty coverage and performance.

6. Offering or granting a written warranty on consumer products actually costing the consumer in excess of \$15.00, which fails to comply with all of the requirements of the Warranty Act and amendments thereto, and all Rules promulgated thereunder.

It is further ordered. That respondent:

A. Label or title its warranty coupon, owner's registration card, warranty registration card, or the like, according to the purpose or purposes for which it

is intended, e.g., "marketing research card."

B. Disclose, clearly and conspicuously, in simple and readily understood language, and in the largest type that appears on the warranty coupon (appropriately labeled pursuant to paragraph A., above,) the following information:

1. The purpose(s) for which such coupon or card is utilized.
2. That the consumer is not required to fill out or mail the coupon or card for, or as a condition precedent to, warranty coverage and performance.

C. For four years after the effective date of the order:

1. Shall not raise any defenses pertaining to the disclaimer of implied warranties in any case, suit or other proceeding brought against respondent by consumers who have purchased any of respondent's warranted products manufactured between July 4, 1975 and the effective date of the order.

2. Provide all consumers who have purchased any of respondent's warranted products manufactured between July 4, 1975 and the effective date of the order, which do not comply with all of the implied warranties, with all relief available to them by applicable state laws.

D. Notify all consumers who (1) have purchased any warranted product manufactured between July 4, 1975 and the effective date of the order, manufactured by respondent, and (2) received a warranty which does not comply with the Warranty Act and the Disclosure Rule as stated in the complaint, by mailing to each such consumer the notice set forth in Appendix B of this Complaint and Order. Respondent shall obtain the names and addresses of such consumers from the warranty coupons which have been mailed to respondent by buyers of respondent's products. In the event that respondent does not have the names and addresses of all such affected consumers, respondent shall contact all retail outlets which sell respondent's products and use every means possible, including securing copies of sales invoices in the possession of such retailers, to obtain the names and addresses.

E. Notify, within 30 days from the effective date of the order, all its dealers who sell respondent's mobile homes, and all its agents and employees who are authorized to handle warranty claims, of all changes in its written warranties, including, but not limited to consumer rights and remedies available to them under the warranty and this order.

F. Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of the Order.

G. Deliver a copy of this order to cease and desist to all present and future employees, salesmen, agents, independent contractors and other representatives engaged in the preparation and distribution of written warranties and in the sale of warranted consumer products on behalf of respondent, and secure a signed statement acknowledging receipt of the order from each such person.

H. Maintain, for a period of three (3) years from the effective date of the order, complete business records of the manner and form of respondent's continuing compliance with all the terms and provisions of this order, to be furnished upon request to the staff of the Federal Trade Commission during normal business hours and upon reasonable advance notice.

I. Shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Appendix A

PART 701—DISCLOSURE OF WRITTEN CONSUMER PRODUCT WARRANTY TERMS AND CONDITIONS

Sec.

- 701.1 Definitions.
- 701.2 Scope.
- 701.3 Written warranty terms.
- 701.4 Owner registration cards.

Authority: 15 U.S.C. 2302 and 2300.

§ 701.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C. 2301, *et seq.*

(b) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed. Products which are purchased solely for commercial or industrial use are excluded solely for purposes of this Part.

(c) "Written warranty" means—(1) Any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free

or will meet a specified level of performance over a specified period of time, or

(2) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

(d) "Implied warranty" means an implied warranty arising under State law (as modified by secs. 104(a) and 103 of the Act) in connection with the sale by a supplier of a consumer product.

(e) "Remedy" means whichever of the following actions the warrantor elects:

- (1) repair,
- (2) replacement, or
- (3) refund; except that the warrantor may not elect refund unless: (i) the warrantor is unable to provide replacement and repair is not commercially practicable or cannot be timely made, or
- (ii) the consumer is willing to accept such refund.

(f) "Supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(g) "Warrantor" means any supplier or other person who gives or offers to give a written warranty.

(h) "Consumer" means a buyer (other than for purposes of resale or use in the ordinary course of the buyer's business) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty applicable to the product, and any other such person who is entitled by the terms of such warranty or under applicable State law to enforce against the warrantor the obligations of the warranty.

(i) "On the face of the warranty" means—(1) where the warranty is a single sheet with printing on both sides of the sheet or where the warranty is comprised of more than one sheet, the page on which the warranty text begins;

(2) where the warranty is included as part of a larger document, such as a use and care manual, the page in such document on which the warranty text begins.

§ 701.2 Scope.

The regulations in this part establish requirements for warrantors for disclosing the terms and conditions of written warranties on consumer products actually costing the consumer more than \$15.00.

§ 701.3 Written warranty terms.

(a) Any warrantor warranting to a consumer by means of a written warranty a consumer product actually costing the consumer more than \$15.00 shall clearly and conspicuously disclose in a single document in simple and readily understood language, the following items of information: (1) The identity of the party or parties to whom the written warranty is extended, if the enforceability of the written warranty is limited to the original consumer purchaser or

is otherwise limited to persons other than every consumer owner during the term of the warranty:

(2) A clear description and identification of products, or parts, or characteristics, or components or properties covered by and where necessary for clarification, excluded from the warranty;

(3) A statement of what the warrantor will do in the event of a defect, malfunction or failure to conform with the written warranty, including the items or services the warrantor will pay for or provide, and, where necessary for clarification, those which the warrantor will not pay for or provide;

(4) The point in time or event on which the warranty term commences, if different from the purchase date, and the time period or other measurement of warranty duration;

(5) A step-by-step explanation of the procedure which the consumer should follow in order to obtain performance of any warranty obligation, including the persons or class of persons authorized to perform warranty obligations. This includes the name(s) of the warrantor(s), together with the mailing address(es) of the warrantor(s), and/or the name or title and the address of any employee or department of the warrantor responsible for the performance of warranty obligations, and/or a telephone number which consumers may use without charge to obtain information on warranty performance;

(6) Information respecting the availability of any informal dispute settlement mechanism elected by the warrantor in compliance with Part 703 of this subchapter;

(7) Any limitations on the duration of implied warranties, disclosed on the face of the warranty as provided in Section 108 of the Act, accompanied by the following statement:

Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

(8) Any exclusions of or limitations on relief such as incidental or consequential damages, accompanied by the following statement, which may be combined with the statement required in sub-paragraph (7) above:

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

(9) A statement in the following language: This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

(b) Paragraph (a) (1)-(9) of this Section shall not be applicable with respect to statements of general policy on emblems, seals or insignias issued by third parties promising replacement or refund if a consumer product is defective, which statements contain no representation or assurance of the quality or performance characteristics of the product; provided that (1) the disclosures required by paragraph (a) (1)-(9) are published by such third parties in each issue of a publication with a general circulation, and (2) such disclosures are provided free of charge to any consumer upon written request.

§ 701.4 Owner registration cards.

When a warrantor employs any card such as an owner's registration card, a warranty registration card, or the like, and the return of such card is a condition precedent to warranty coverage and performance, the warrantor shall disclose this fact in the warranty. If the return of such card reasonably appears to be a condition precedent to warranty coverage and performance, but is not such a condition, that fact shall be disclosed in the warranty.

Appendix B

[Name and Address of Consumer]

[Date]

Dear [Name of Consumer]: You have some added warranty protection for your mobile home. The Federal Trade Commission has told us to write you about it. The warranty you got says you have no implied warranties under state law. This isn't so. You have these warranties, for at least four years from the date of purchase. First, you have a warranty of "merchantability." This means your home must be in livable condition.

Second, you may have a warranty of "fitness for a special purpose." If, when you bought your home, you relied on our advice or our ads that it was fit for a special purpose, it must live up to that promise.

If your home doesn't live up to one of these warranties, and we can't make it do so, you may have a legal right to cancel your purchase and make a claim for some of your money back. If you feel this is the case, please contact your dealer, or call us collect at (telephone number). However, we will not be responsible for fixing any damage caused by your misuse or abuse of the home, or by such uncontrollable forces as lightning, floods, and the like.

Our warranty also said you had to send us your registration card. Again, this isn't so. We'll accept any reasonable proof of purchase or delivery date. A sales slip or receipt will be okay.

Also, our warranty said we will not pay for any incidental or consequential losses caused by a manufacturing defect in the product. We want you to know that in some cases, and in some states, even these are covered.

Please excuse these mistakes in our warranty.

Sincerely,
Madison Mobile-Modular Homes, Inc.

FTC Docket No. — (effective date of order).

File No. 792 3074

Madison Mobile-Modular Homes, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Madison Mobile-Modular Homes, Inc., a corporation with its principal place of business located at 1555 S. Cucamonga Ave., Ontario, California 91761.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this

period will become a part of the public record. After sixty (60) days, the Commission will again review the consent order and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Madison Mobile-Modular Homes manufactures and distributes mobile homes for sale to the general public. In connection with the manufacture and sale of mobile homes, Madison offers a written warranty.

The proposed complaint also alleges that Madison illegally disclaimed warranty protection and failed to tell consumers how to get warranty service and how to recover losses when their mobile home is defective. Specifically, Madison is charged with violating Section 103, 108 and 110(c)(2) of the Warranty Act, and §§ 701.4, 701.3(a)(8) and 701.3(a)(9) of the Disclosure Rule.

The agreement to the proposed consent order requires Madison to:

1. Redesignate its own warranty as either "Limited" or "Full" in accordance with Section 103 of Magnuson-Moss;

2. Disclose in its warranties all of the information required by Rule 701;

3. Disclose in its warranties that the return of a registration card is not a condition precedent to warranty coverage or performance, and to clearly label such card according to the use for which it is in fact intended; i.e., marketing or statistical studies.

Notify all consumers who purchased respondent's mobile homes manufactured after July 4, 1975 of the following:

a. That they have implied warranty rights for four years from the date of purchase;

b. An explanation of implied warranties;

c. That respondent will accept any reasonable proof of time purchase to trigger warranty performance; and

d. That, in some states, respondent must pay for incidental or consequential losses caused by a manufacturing defect.

5. Make available to purchasers all relief available to them by applicable state laws, and refrain from raising any defenses relating to the disclaimer of implied warranties.

The purpose of this analysis is to facilitate public comments on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way the terms of the proposed order.

Carol M. Thomas,
Secretary.

[File No. 792 3074]

[FR Doc. 79-11796 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

Motherhood Maternity Shops, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair

methods of competition, this provisionally accepted consent agreement, among other things, would require a Santa Monica, Calif. manufacturer and seller of maternity wearing apparel and related products, and its corporate owner to cease establishing, maintaining and enforcing resale prices and sale periods for their products; soliciting, exchanging, or disseminating price information; and compelling adherence to suggested resale prices through persuasion or coercion. Additionally, the order would prohibit the firms from withholding advertising allowances, or otherwise taking adverse action against recalcitrant retailers.

DATE: Comments must be received on or before June 15, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 781 0019]

Agreement Containing Consent Order to Cease and Desist

Motherhood Maternity Shops, Inc., and MMS of Delaware, Inc.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Motherhood Maternity Shops, Inc., a corporation, and it now appearing that Motherhood Maternity Shops, Inc., a corporation and MMS of Delaware, Inc., a corporation, hereinafter sometimes referred to as the proposed respondents, are willing to enter into an agreement

containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Motherhood Maternity Shops, Inc. and MMS of Delaware, Inc., by their duly authorized officers and attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Motherhood Maternity Shops, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its office and principal place of business located at 1330 Colorado Avenue, Santa Monica, California.

Proposed respondent MMS of Delaware, Inc. is a corporation existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 1330 Colorado Avenue, Santa Monica, California. Proposed respondent Motherhood Maternity Shops, Inc. has been merged with MMS of California, Inc., a wholly owned subsidiary of MMS Delaware, Inc. The surviving corporation, Motherhood Maternity Shops, Inc., is a wholly owned subsidiary of proposed respondent MMS of Delaware, Inc.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of act and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and proposed respondents may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order, the following definitions shall apply:

"Product" is defined as any item of wearing apparel and any related accessory and any other merchandise, service or thing which is manufactured, offered for sale, or sold by respondents or any of their subsidiaries.

"Reseller" is defined as any corporation, firm or person which sells or which requests to sell any product sold or distributed by respondents or any corporation or firm owned or operated by respondents, but excluding persons, partnerships or corporations operating retail outlets owned or operated by respondents or any of their subsidiaries.

"Resale price" is defined as any price, price floor, price ceiling, price range, or

any mark-up, formula, or margin of profit used by any reseller for pricing respondents' products. Such term includes but is not limited to any suggested, established or customary resale price as well as the retail price in effect for retail outlets or departments owned or operated by respondents or any of their subsidiaries.

"Sale period" is defined as any time period during which retail outlets or departments owned or operated by respondents or any of their subsidiaries offer any product for sale at resale prices lower than those in effect during the usual and ordinary course of business; or any suggested, authorized or customary time for selling or advertising apparel at prices lower than suggested, established or customary resale prices.

"Company-owned store" is defined as any retail outlet owned or operated by respondents or any of their subsidiaries.

I.

It is ordered, That respondents Motherhood Maternity Shops, Inc., a corporation, and MMS of Delaware, Inc., a corporation, their successors and assigns, and respondents' officers, their agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, offering for sale, sale, distribution or advertising of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Fixing, establishing, controlling, stabilizing, maintaining or enforcing, directly or indirectly, the price at which any reseller may advertise, promote, offer for sale or sell any product.
2. Establishing, exacting assurances to comply with, continuing or enforcing any contract, agreement, understanding or arrangement with any reseller to fix, establish, control, stabilize, maintain or enforce, directly or indirectly, the price at which any product is to be resold or advertised.
3. Establishing, exacting assurances to comply with, continuing or enforcing any contract, agreement, understanding or arrangement with any reseller to tie any resale price of any reseller to any resale price in effect at any company-owned store.
4. Suggesting, communicating, publishing, disseminating, circulating or providing by any means any information concerning resale prices or sale periods to any reseller. The advertising to consumers of actual resale prices by any

company-owned store shall not be deemed a violation of this paragraph.

5. Soliciting, gathering or exchanging, directly or indirectly, information concerning any resale price or sale period of any reseller.

6. Establishing, exacting assurances to comply with, continuing or enforcing any contract, agreement, understanding or arrangement with any reseller to fix, establish or control the form, content or timing of the advertising of any product by any reseller.

7. Suggesting, recommending, advising, persuading, inducing or coercing any reseller to establish, maintain, issue, adopt or adhere to any resale price, or to establish, maintain, issue, adopt or adhere to any sale period.

8. Communicating with any reseller concerning any deviation or alleged deviation from any resale price or sale period.

9. Suggesting, recommending, advising, persuading, inducing or coercing any reseller to refrain from or to discontinue advertising any product at a certain resale price.

10. Representing directly or by implication that any action may or will be taken against any reseller who deviates from any resale price or sale period.

11. Securing or attempting to secure any promise or assurance from any reseller regarding the price at which such reseller will or may advertise or sell any product; or requesting or requiring any reseller to obtain approval from respondents for any price at which such reseller may or will advertise or sell any product.

12. Threatening to withhold or withholding advertising allowances or any other assistance, payment, service or consideration from any reseller, or limiting or restricting eligibility of any reseller to receive such benefits because said reseller advertises or sells any product at certain prices.

13. Taking any action to hinder or preclude the lawful use by any reseller of any trademark of any respondent in conjunction with the sale or advertising of any product.

14. Terminating, suspending, delaying shipments to, or taking or threatening any action against any reseller because the reseller has, or was alleged to have sold or advertised any product at a certain resale price, or because the reseller may engage in any such activity in the future.

II.

It is further ordered, That respondents shall:

1. Within thirty (30) days after the date of service of this Order, mail under separate cover a copy of this Order to every past reseller. An affidavit of mailing shall be sworn to by an official of respondents verifying that said mailing of this Order was completed.

2. Mail a copy of this Order to any reseller that purchases any products from respondents within five (5) years after the date of service of this Order. The mailing required by this provision shall occur within thirty (30) days after the first purchase by said reseller.

3. Within thirty (30) days after the date of service of this Order distribute a copy of this Order to each of their operating divisions and subsidiaries and to all officers, supervisory sales personnel, sales agents and representatives selling to resellers, and to advertising agencies retained by respondents and secure from each entity or person a statement acknowledging receipt of said Order.

III.

It is further ordered, That respondents:

1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other such change in the corporations which may affect compliance obligations arising out of this Order.

2. Maintain complete business records which fully disclose the manner and form of respondents' compliance with the Order, including but not limited to any records referring or relating, in whole or in part, to:

(a) Any communication between any respondent and any reseller relating to any price at which any reseller, person or firm is selling, proposes to sell, is advertising or proposes to advertise any product;

(b) The termination of any reseller for any reason; or

(c) The refusal to deal with any reseller for any reason.

Respondents shall maintain the records required by this paragraph for at least three (3) years from the date such records were created or received by respondents. The records required by this paragraph shall be made available to Commission staff upon reasonable notice.

3. Within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing setting forth in detail the manner and form in

which they have complied with this Order.

Motherhood Maternity Shops, Inc., ET AL Docket No.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Motherhood Maternity Shops, Inc. and MMS of Delaware, Inc.

The proposed consent order and complaint have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Respondent Motherhood is engaged in the manufacture, sale and distribution of maternity wearing apparel and related products. Respondent owns and operates retail outlets where its products are sold directly to the general public. In addition, respondent formerly sold and distributed a portion of its products to resellers, who in turn resold respondent's products to the general public.

Motherhood was recently acquired by MMS, which has agreed to be bound by the order.

The complaint alleges that respondent Motherhood unlawfully fixed the resale prices at which its products were resold. The complaint also alleges that said respondent unlawfully tied the resale prices of independent retailers to prices which were similar to those in effect at stores owned by Motherhood.

The consent order in this matter prohibits respondents from fixing or maintaining, directly or indirectly, the price at which any reseller may advertise or sell any product. Respondents have also been prohibited from communicating any information concerning resale prices to any reseller. Respondents cannot, under the terms of the order, solicit any resale price information from resellers, or suggest resale prices to them. Additionally, the order prohibits respondents from taking or threatening any action, such as termination against any reseller because of the resale prices charged by the reseller. Moreover, respondents may not restrict the grant of any advertising allowances because of the price a retailer sells any product nor may they

coerce or persuade a retailer to establish or maintain any sale period.

It is also required that respondents send a copy of the order to past resellers or to any reseller that purchases any products from respondents within five (5) years after the date of service of the order. The order is generally designed to promote competition in the sale of respondents' products.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary,

[File No. 781 0019]

[FR Doc. 79-11793 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 450]

Advertising for Over-the-Counter Antacids; Notice Establishing Hearing Date

AGENCY: Federal Trade Commission.

ACTION: Public hearing on proposed rulemaking will be held on April 19, 1979 in Washington, D.C.

SUMMARY: On August 31, 1978, the Commission published in the *Federal Register* the final notice of proposed rulemaking relating to the advertising of over-the-counter antacids, setting out the scheduled date for the commencement of public hearings. It has been determined that an additional day of hearing should be held and this notice announces the schedule for such hearing.

DATE: A public hearing will commence at 9:30 a.m. on Thursday, April 19, 1979.

ADDRESS: Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James P. Greenan, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, 202-724-1045.

SUPPLEMENTARY INFORMATION: On Thursday, January 18, 1979, pursuant to notice published in the *Federal Register* on August 31, 1978 (43 FR 38851), testimony was received in the rulemaking proceeding relating to the advertising of over-the-counter antacids bearing on a survey conducted by Market Facts, Inc. and Arthur Young and Company. It has been determined by the presiding officer that an additional day of public hearing is appropriate and required in order to

permit completion of testimony in this matter and to afford interested persons the opportunity to examine witnesses. Such public hearing will be convened for the limited purpose of receiving testimony of witnesses bearing on the survey conducted by Market Facts, Inc. and Arthur Young and Company in connection with the instant rulemaking and permitting examination of such witnesses by interested persons in the proceeding.

Accordingly, the presiding officer has scheduled the hearing to commence at 9:30 a.m. on Thursday, April 19, 1979 in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Streets N.W., Washington, D.C.

James P. Greenan

Presiding Officer.

[FR Doc. 79-11802 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1307]

Consumer Products Containing Benzene; Extension of Time for Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for promulgation of rule.

SUMMARY: The Commission extends the time from April 16, 1979 to April 16, 1980, in which it must issue a consumer product safety rule to declare that certain benzene-containing consumer products are banned hazardous products under section 8 of the Consumer Product Safety Act (CPSA) or withdraw the rule proposed on May 19, 1978. This extension is necessary to enable the Commission to further study the complex scientific and technical issues raised by the proposal. In taking this action, the Commission also recognizes that the need for immediate action on the use of benzene in consumer products has recently diminished because of the declining use of benzene in such products.

DATES: The Commission extends the time promulgation of a final rule or withdrawal of the proposal from April 16, 1979 to April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Francine Shacter, Office of Program Management, Consumer Product Safety Commission (CPSC), Washington, D.C. 20207, phone 301-492-6557.

SUPPLEMENTARY INFORMATION: On May 19, 1978, the Commission proposed a ban under section 8 of the Consumer

Product Safety Act (CPSA) of all consumer products, except gasoline and solvents or reagents for laboratory use, containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. (see 43 FR 21838). Based on information discussed in the proposal, the Commission preliminarily concluded that benzene-containing consumer products present an unreasonable risk of injury to the public because benzene inhalation can cause blood disorders, chromosomal abnormalities, and leukemia. The Commission also concluded that no feasible standard could adequately protect the public from these risks. The proposed ban specified that written comments should be submitted on or before June 30, 1978. The proposal also invited interested persons to make an oral presentation at a proceeding that was conducted on June 14, 1978.

Subsequently, the Commission, at the request of several interested parties, extended the comment period on issues relating specifically and solely to the proposed ban on benzene as a contaminant until August 31, 1978, because this aspect of the ban was perceived as the more complex. (see 43 FR 27852).

The Commission received a total of 44 written comments as well as 6 oral presentations concerning both portions of the proposed ban. Many of the comments criticized the proposal and raised complicated scientific and technical issues, including the claim that there is no evidence that low levels of exposure to benzene constitute a health hazard, the assertion that the Commission's risk assessment is inadequate, and the claim that the proposed contamination level is neither justified nor commercially feasible. In order to adequately address the comments and the oral presentations, the Commission on October 10, 1978, extended the time in which it must publish a final ban on benzene as an intentional ingredient and as a contaminant or withdraw the proposal, until April 16, 1979. (see 43 FR 47197).

In analyzing the scientific material summarized in the proposal as well the public comments, the Commission staff has found that the amount of data which must be studied and critically evaluated is voluminous. Therefore, it is not possible to fully address the comments and take final action on the proposal within the time originally established. In addition, the Commission notes that it may need to do additional technical work before taking final action. Furthermore, the Commission has

recently received from Exxon Corporation new data concerning possible reproductive effects from benzene exposure. These data need to be analyzed; they may provide additional material relevant to any final banning action.

An additional factor supporting an extension of time to take final action on the benzene proposal is that the need for immediate action on the use of benzene in consumer products has recently diminished. Information available to the Commission indicates that benzene is no longer used as an intentional ingredient in consumer products. Furthermore, because of efforts by solvent producers to reduce benzene levels in solvents and efforts by consumer product formulators to restrict the amount of benzene in consumer products, the Commission staff believes that most consumer products now conform to the proposed limit of 0.1 percent benzene. (This conclusion is based on a report provided to the Commission in December, 1978 by Battelle entitled "Analysis of Technical and Economic Feasibility of a Ban on Consumer Products Containing 0.1 Percent or More Benzene.")

The Commission also points out that the U.S. Supreme Court recently granted certiorari to review the decision of the Fifth Circuit to set aside the Occupational Safety and Health Administration (OSHA) standard concerning benzene. (*American Petroleum Institute v. OSHA*, 581 F.2d 493; *Marshall v. API*, S.Ct. No. 1036, 1978 Term.) It is expected that the Supreme Court will hear oral argument in the case, which involves similar issues, this fall and will decide thereafter.

Therefore, in view of the complexity of the issues presented by the benzene proposal, the diminished need for immediate action on the use of benzene in consumer products, and the Supreme Court's decision to hear the OSHA benzene case, the Commission, in accordance with section 9(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2058(a)), finds that good cause exists to extend the period within which it must promulgate a consumer product safety rule or withdraw the proposal for 12 months, until April 16, 1980. This period may be further extended for good cause by notice published in the *Federal Register*.

All the information that the Commission has that is relevant to this proceeding, including the public comments, the Battelle report, and the Exxon data may be examined in the Office of the Secretary, Consumer Product Safety Commission (CPSC),

1111 18th Street, N.W., Third floor,
Washington, D. C. 20207.

Dated: April 12, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-11990 Filed 4-13-79; 11:07 am]

BILLING CODE 6355-01-M

Notices

Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

ATC Sales Agency Agreement

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-4-52.

SUMMARY: The Board is deferring action on agreements among members of Air Traffic Conference of America (ATC) relating to a personal guarantee of performance of the ATC Sales Agency Agreement, Docket 31133, Agreements CAB 5044-A222, 16874-A71, and 25132-A4. ATC is concerned over Travel Agent defaults. The Board wishes further comments and possible discussion among the parties possibly leading to a more reasonable approach than that proposed by these agreements which seem too restrictive. A copy of the complete text of Order 79-4-52 is available as noted below.

DATES: Interested persons can file comments not later than May 29, 1979; with reply comments due not later than June 13, 1979.

ADDRESSES: Comments should be filed in Docket 31133, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Barry Molar, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5018.

The complete text of Order 79-4-52 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-4-52 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Order 79-4-52]

[FR Doc. 79-11703 Filed 4-13-79; 8:45 am]

BILLING CODE 6320-01-M

Anchorage-London Service Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 24, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before April 11, 1979, and the other parties on or before April 19, 1979. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 6, 1979.

Katherine A. Kent,
Administrative Law Judge.

[Docket 34573]

[FR Doc. 79-11701 Filed 4-13-79; 8:45 am]

BILLING CODE 6320-01-M

Hawaii Common Fares Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter (Order 79-3-141) is set for Tuesday, May 15, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room "D", North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed

stipulations; (3) requests for information; (4) statement of position of parties; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before May 2, 1979 and the other parties on or before May 9, 1979. The submission of the other parties shall be limited to points on which they differ from the Bureau of Pricing and domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate referencing.

Dated at Washington, D.C., April 10, 1979.

Nabum Litt,
Chief Administrative Law Judge.

[Docket 35107]

[FR Doc. 79-11702 Filed 4-13-79; 8:45 am]

BILLING CODE 6320-01-M

Las Vegas-Phoenix Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79-4-46), Las Vegas-Phoenix Show-Cause Proceeding.

SUMMARY: The Board is proposing to award new and improved authority between the points Las Vegas and Phoenix to Allegheny Airlines, Braniff Airways, Northwest Airlines, Ozark Air Lines, National Airlines, and any other fit, willing and able applicant whose fitness, willingness and ability can be established by officially noticeable data.

The complete text of this order is available as noted above.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by May 14, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C., 20428, in Docket 35255.

In addition, copies of such filings should be served on Allegheny Airlines, American Airlines, Braniff Airways, National Airlines, Northwest Airlines, Ozark Air Lines, Trans World Airlines, the Aeronautics Commissions of Arizona and Nevada, the Airport

Managers of McCarran International and Sky Harbor International Airports, and the Cities of Las Vegas and Phoenix.

FOR FURTHER INFORMATION CONTACT:

Bruce M. Goldberg, Bureau of Pricing & Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673-5349.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Secretary of the Board will enter an order making final the tentative findings and conclusions contained in the show-cause order.

The complete text of Order 79-4-46 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428. Persons outside the metropolitan area may send a postcard request for Order 79-4-46 to that address.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Order 79-4-46]
[FR Doc. 79-11704 Filed 4-13-79; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Resolution and Order Approving the Application of the Port Authority of New York and New Jersey for a Foreign-Trade Zone at Sites in Newark and Elizabeth, N.J., with the Newark/Elizabeth-Port Authority Marine Terminal

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Port Authority of New York and New Jersey, filed with the Foreign-Trade Zones Board (the Board) on January 2, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone at sites in the Cities of Newark and Elizabeth, New Jersey, within the Newark/Elizabeth-Port Authority Marine Terminal seaport complex, which is within the New York City

Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board, Washington, D.C. Grant

To Establish, Operate, and Maintain a Foreign-Trade Zone at Sites in Newark and Elizabeth, N. J., Within the Newark/Elizabeth-Port Authority Marine Terminal

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, the Port Authority of New York and New Jersey (the Grantee) has made application (filed January 2, 1979) in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone at sites in Newark and Elizabeth, New Jersey, within the Newark/Elizabeth-Port Authority Marine Terminal seaport complex, which is within the New York City Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign trade zone at two sites, designated on the records of the Board as Zone No. 49 (Newark site) and Zone No. 49 (Elizabeth site), at the location mentioned above and more particularly described on the maps and drawings accompanying the application in

Exhibits IX and X, said grant being subject to the provisions, conditions and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone sites shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone sites in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone sites.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone sites, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Office at Washington, D.C. this sixth day of April 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

G. L. Haslam,
Acting Chairman and Executive Officer.

Attest:

John J. DaPonte,
Executive Secretary.

[FR Doc. 79-11713 Filed 4-13-79; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Bluefish Factfinding Hearing

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public factfinding hearing on the bluefish fishery.

SUMMARY: The Mid-Atlantic Fishery Management Council announces a public hearing to obtain information on the bluefish fishery from the fishing industry and the public.

DATES: The public hearing will be held on May 2, 1979.

ADDRESSES: Holiday Inn, Union and South Elm Streets, Van Gleason Room, Waterbury, Connecticut. (203) 757-0521, 7:00-10:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Council is currently considering preparation of a fishery management plan for bluefish. The Council needs information from all participants in the fishery to determine if it should prepare such a plan and, if a plan is necessary, to help in preparing the plan.

Reliable information on this fishery and scientific data on this species are, in most cases, very scarce. The Council would greatly appreciate any information on the operations of this fishery and industry from any member of the public, either through this meeting or mailed to the Council's office. Any information which relates to an individual's or company's business operations that is identified as confidential will be held in the strictest confidence and will not be released except in aggregate form without individual identification.

The hearing will be tape recorded and the tapes filed as an official formal transcript of proceedings. Summary minutes will be prepared on the hearing.

Written comments should be submitted to the contact person listed above by May 11, 1979, to receive full consideration in the plan development process.

The hearing announced herein is in addition to those previously announced for March 5, 6, and 7 (44 FR 9413) and for March 12, 13, and 19 (44 FR 12079).

Dated: April 11, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-11787 Filed 4-13-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council's Pelagic Fishery Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and the Council has established a Pelagic Fishery Resources Subpanel which will meet to discuss management measures for a billfish fishery management plan.

DATES: The meeting will convene on Wednesday, May 2, 1979, at 8:30 a.m., and will adjourn at approximately 4:30 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place in the conference room of the National Marine Fisheries Service, Southwest Fisheries Center, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: April 11, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-11786 Filed 4-13-79; 8:45 am]

BILLING CODE 3510-22-M

Travel Service

Travel Advisory Board; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel Advisory Board of the U.S. Department of Commerce will meet on May 17, 1979, at 9:30 a.m., in Room 4830 of the Main Commerce Building, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purpose of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended. A detailed agenda for the meeting will be published in the *Federal Register* in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202-377-4752) will respond to public requests for information about the meeting.

Jeanne Westphal,

Acting Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc. 79-11715 Filed 4-13-79; 8:45 am]

BILLING CODE 3510-11-M

Procurement List 1979; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed Additions to Procurement List

SUMMARY: The Committee has received proposals to add to Procurement List 1979 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 16, 1979

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, 703-557-1145

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 6230

Light Marker, Distress, 6230-00-892-5192

Class 7930

Glass Cleaner, 7930-00-664-6910

Class 6530

Catheter, Male, External, 6530-00-NIB-0001A, 6530-00-NIB-0001B, Total requirements for Veterans Administration only

Class 5120

Screwdriver, Flat Tip, 5120-00-278-1269, 5120-00-289-9662, 5120-00-287-2504, 5120-00-287-2505, 5120-00-278-1267, 5120-00-541-3004, 5120-00-288-7803, 5120-00-236-2127, 5120-00-278-1270, 5120-00-227-7356, 5120-00-260-4837, 5120-00-227-7334, 5120-00-278-1268, 5120-00-293-0314, 5120-00-337-2465, 5120-00-540-0563, 5120-00-180-0708, 5120-00-222-8866, 5120-00-596-8502, 5120-00-278-1273, 5120-00-062-0813, 5120-00-293-3311, 5120-00-222-8852, 5120-00-596-9364, 5120-00-293-3309, 5120-00-227-7377, 5120-00-180-3490, 5120-00-236-2140, 5120-00-062-8454, 5120-00-720-4969, 5120-00-293-0315

C. W. Fletcher,
Executive Director.

[FR Doc. 79-11655 Filed 4-13-79; 8:45 am]

BILLING CODE 6820-33-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1979 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 16, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 5, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (44 FR 1443) of proposed addition to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1979:

Class None

Pocket, Leather, Postal Service Item No. D-1200-D.

E. R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 79-11654 Filed 4-13-79; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Western Instrument Corp.; Limited Exclusive Patent License Granted

Pursuant to the provisions of Part 746 of Title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces that on March 19, 1979, it granted to Western Instrument Corporation, a corporation of the State of California, a revocable, nonassignable, limited exclusive license for a period of six years under Government-owned United States Patent Number 4,092,858, issued June 6, 1978, entitled "Oceanographic Sensor with In-Situ Cleaning and Bio-Fouling Prevention System," inventor, Gene A. Edgerton.

Copies of the patent may be obtained for fifty cents (\$0.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217, Telephone no. (202) 696-4005.

Dated: April 6, 1979.

P. B. Walker,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-11647 Filed 4-13-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on April 24 and 25, 1979, at the headquarters of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 2:30 p.m. on April 24. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris beginning at 2:30 p.m. on April 24, and at a joint meeting of the SEQ and the IEA Standing Group on the Oil Market (SOM), which is being held at Paris beginning at 9:00 a.m. on April 25. The agendas for the meetings are under the control of the SEQ and the SOM.

The agenda for the April 24th meeting of the SEQ is as follows:

1. Approval of Draft Agenda.
2. Summary Record of 25th Meeting.
3. Quarterly Oil Forecast (2nd Quarter 1979-1st Quarter 1980).
4. Emergency Management Manual—Frequency and Timing of Questionnaire A and B Reporting; National Emergency Sharing Organizations (NESO's).
5. Special Section of the Information System.
- A. Base Period Final Consumption (BPF)—Current Calculation 1st Quarter 1978-4th Quarter 1978.
- B. Questionnaires A and B—New Reporting Instructions (Oral Statement by Secretariat)
- C. Emergency Reserves—As at January 1, 1979.
6. Future Meeting Dates.
7. Any other business.

The Agenda for the April 25 Joint Meeting of the SEQ and the SOM is as follows:

1. Adoption of Preliminary Agenda.
2. Developments in the International Oil Market—1st and 2nd Quarter 1979 Supply, Demand and Stock Situation; Scenario to End 1st Quarter 1980; Oil Price Developments.
3. Quality of Questionnaire A and B Submissions—Timing and Discrepancies; Distortions.
4. Monitoring of IEA Countries' Response to Oil Supply/Demand Situation—Summary of Questionnaire results; Individual Country Reports.
5. Any Other Business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., April 10, 1979.

Robert C. Goodwin, Jr.,
Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 79-11800 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Emergency Electric Energy Interconnection and Transfer Authority

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Announcement of Authority and Statement of Policy with respect to Encouraging Electric Interconnections and Energy Transfer.

SUMMARY: The Administrator of the Economic Regulatory Administration (ERA) hereby gives notice of authority

in regard to his emergency authorities under section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) (FPA) to order the "temporary connection of facilities and transfer of electricity."

This notice advises the public that this authority has been delegated to the ERA Administrator, describes the pertinent scope of authorities associated with the delegation and identifies relevant offices in the ERA for submission of filings.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles Falcone, Director, Division of Power Supply and Reliability, Economic Regulatory Administration, Department of Energy, 1111 20th Street, N.W., Vanguard Building, Room 4072, Washington, D.C. 20461, (202) 634-5620.

Peter J. Schaumburg, Office of General Counsel, Department of Energy, 1726 M Street, N.W., Room 510, Washington, D.C. 20461, (202) 634-5545.

SUPPLEMENTAL INFORMATION:

- I. Background.
- II. Electric Interconnection and Energy Transfer Authorities and Filing Procedures.
- III. Policy.

I. Background

Responsibility for implementation of section 202(c) of the Federal Power Act (FPA) was transferred to the Secretary of Energy by section 301(6) of the Department of Energy Organization Act (Pub. L. 95-91). The authorities contained in section 202(c) of the FPA were delegated by the Secretary of Energy to the Administrator of the Economic Regulatory Administration. This delegation of authority was previously published in the *Federal Register* on November 29, 1977 (42 FR 60726-27). The Administrator of the Economic Regulatory Administration has further delegated his authorities under section 202(c) of the FPA to the Assistant Administrator for Utility Systems.

II. Electrical Interconnection and Energy Transfer Authorities and Filing Procedures

As a result of the above referenced delegation, the Assistant Administrator for Utility Systems, ERA, administers the following pertinent statutory authorities among others in regard to emergency electrical interconnections under the FPA:

Temporary Connection and Exchange of Facilities During Emergency

*** whenever [DOE] determines that an emergency exists by reason of *** a shortage of electric energy or of

facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, [DOE] shall have authority, either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. Section 202(c) Federal Power Act, (16 U.S.C. 824a(c)).

The authorities contained in section 202(c) of the FPA are implemented under the provisions of regulations previously promulgated by the Federal Power Commission and which currently remain in effect pursuant to the transfer provisions of section 705 of the Department of Energy Organization Act (P.L. 95-91). These regulatory provisions are contained in 18 CFR sections 32.60-32.62.

Application for a temporary connection order or an order for generation, delivery, interchange, or transmission of electric energy pursuant to section 202(c) of the FPA should be filed attention: Mr. Jerry L. Pfeffer, Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m. e.s.t. Telephone inquiries shall be directed to: Dr. Charles Falcone, Director, Division of Power Supply and Reliability, Economic Regulatory Administration, Department of Energy, (202) 634-5620.

III. Policy

Continuing shortages and future uncertainty in oil supplies require the prudent substitution of alternative fuels by utilities in electric power generation. The current shortfall of oil must be viewed in the context of our continuing long-term vulnerability to curtailment of oil supplies from foreign sources and not as an isolated incident whose impact will ease with time.

The Department of Energy (DOE) has recently encouraged utility and industrial users of middle distillates and low sulfur oil to seek every possible opportunity of substituting coal, natural gas, nuclear or other domestic fuel sources for scarce oil supplies. In the electric utility sector, we are concerned both with opportunities for direct substitution of boiler fuels, as well as purchased power generated from non-oil fired facilities.

It is DOE's preference that the electric utility industry voluntarily seek to

maximize all possible opportunities for displacing oil used in electric power generation through electric energy transfers (i.e., coal/nuclear by wire). Such transfers should be implemented immediately within the limits imposed by in-place generation and transmission facilities and system security requirements.

DOE will shortly activate a monitoring system (in cooperation with the Regional Electric Reliability Councils) to assess the degree to which the potential for oil conservation through energy transfers is actually being achieved. To the degree that such opportunities are not being effectively exploited, DOE will determine whether circumstances warrant the exercise of the mandatory authorities for transfer of electric power under section 202(c) of the FPA.

Issued in Washington, D.C., April 6, 1979.

David J. Bardia,

Administrator, Economic Regulatory Administration, Department of Energy.

[FR Doc. 79-11667 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Shell Oil Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to the Shell Oil Company a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78, the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Decision and Order must be published in the *Federal Register*. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the Docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Chief, Branch of Crude Oil Production.

As required a copy of the Proposed Decision to Shell Oil Company is supplied below in this Notice. The original of that document contains information which is arguably confidential under 18 U.S.C. 1905. Such

information has been deleted from the copy here published.

In addition, a copy of the text of the Proposed Decision and Order together with a copy of Shell's application is available in the Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C., between 1:00 p.m. and 5:00 p.m., Monday through Friday, and in the Department of Energy reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Barton R. House,
Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration,
April 10, 1979.

**Proposed Decision and Order¹ of the
Department of Energy Application for Price
Incentives**

*Tertiary Enhanced Recovery Project (Olinda
Fee Four Project)*

Name of petitioner: Shell Oil Company.

Background

On December 20, 1978 Shell Oil Company (Shell) submitted to the Economic Regulatory Administration (ERA) an application for incentive pricing under the Tertiary Enhanced Recovery Program of 10 CFR 212.78 with respect to crude oil production from the Upper Conglomerate Zone of the Olinda Fee Four Lease at Yorba Linda Field. Shell completed this application on February 18, 1979, with the submission of additional material requested by ERA.

Yorba Linda Field lies in the Los Angeles Basin, near the eastern end of the productive fields lying along the Whittier Fault Trend in Orange County, California. The field was discovered in 1937 with production obtained from Pliocene E and F sands at a depth of 2,000 ft.

Subsequent development led to discovery of oil in the Lower Pliocene Repetto Conglomerate zones in 1942 and the Upper Pliocene Pico Conglomerate zones in 1954. Primary development of these zones was essentially completed in 1959.

The Upper Conglomerate zones are the major producing intervals in the field. They originally contained about million barrels of oil in place under the Olinda Fee Four property, totally owned by Shell Oil Company. The Upper Conglomerate oil accumulation, which covers an area of 220 acres, contains essentially no gas and gravity drainage is the dominant producing mechanism. About 5 percent of this oil was recovered by primary depletion with the aid of downhole heaters.

The development of the steam flood process for the Upper Conglomerate zones can be divided into three main phases: pilot testing, cyclic injection and combined cyclic-continuous injection. Pilot testing continued

from early in 1960 through 1962, the cyclic injection phase lasted from 1963 until late in 1971 and the combined cyclic-continuous injection phase began late in 1971.

The pilot tests indicated that the cyclic injection of steam could improve oil recovery provided that the injection well could also be used as the production well. The cold oil could not be "driven" directly into nearby producing wells because the oil was too viscous and the steam migrated vertically near the injection well to an upper interval now recognized as an "air" zone.

Based upon the successful cyclic injection pilot test, full scale cyclic injection was undertaken. Production increased from 1,200 barrels of oil per day at the end of 1962 to 3,000 barrels per day by mid-1963. The higher production rates obtained from steam stimulated wells improved development economics so that areas of the field which were not economic under primary operation could now be drilled. By mid-1971 the number of producing wells had increased from 65 to 240 and production had increased to nearly 6,000 barrels of oil per day. Based on field performance and laboratory physical model studies, a 30 percent incremental recovery efficiency was estimated for the cyclic process.

By mid-1971 heat communication between wells had been established so that continuous injection in selected wells could be used to heat the reservoir more efficiently. Continuous steam injection into the first four inverted ninespot patterns began in September 1971. Significant increases in oil production were noted about 8 months later, indicating an effective process. The network of continuous injectors has been enlarged by stages to include the entire Upper Conglomerate productive area. A peak production rate of about 8,000 barrels of oil per day has been attained from the project. The production rate has been declining since 1973 and is now about 6,000 barrels of oil per day. The current estimate of the incremental recovery efficiency of the continuous injection portion of the process is — percent, assuming an incentive price can be obtained for the unproduced remainder of this oil. If the project is continued, Shell estimates that the total recovery would exceed — percent of the original oil in place. Recovery presently exceeds 38 percent of the original oil in place.

Shell asserts that the combination of declining oil rate and increasing fuel cost has reduced project income to the extent that there is no longer any economic incentive to continue the continuous steam injection portion of the tertiary recovery process. Without the price incentives that section 212.78 provides for, Shell states that it will have no viable alternative but to suspend continuous steam injection, which will result in the loss of substantial otherwise recoverable reserves. Such losses will be permanent since it will not be economically feasible to replace heat losses and eliminate resaturation effects. If the continuous injection phase is terminated, Shell estimates the ultimate recovery will be percent of the original oil in place. This represents a loss of million barrels of oil from the amount that

would be recovered if the continuous steam injection is continued.

Findings and Analysis

A. Section 212.78 provides that the "incremental crude oil" from a "qualified tertiary enhanced recovery project" may be sold at prices not subject to the ceiling price limitations of Subpart D of Part 212. In order for crude oil production from a particular project to be priced in accordance with the price rule of Section 212.78, ERA must certify the project as a qualified tertiary enhanced recovery project. Prior to granting this certification, section 212.78 (d) requires ERA to determine that (1) the project involves one of the enhanced oil recovery techniques listed in the definition of a qualified tertiary enhanced recovery project set forth in section 212.78(c) and (2) the project would be economical at the otherwise applicable ceiling prices.

With respect to a project that is initiated prior to receipt of the required certification, Section 212.78(b)(2) provides an additional requirement that certification will be granted only if (1) the producer affirms that it intends to discontinue the project (or the particular high-cost phase of the project) because continuation would be uneconomical at the otherwise applicable ceiling prices and (2) there has been a material change of circumstances since the initiation of the project. If ERA grants certification, it must also determine the amount of incremental and non-incremental crude oil (as defined in Section 212.78(c)) that will result from the project.

B. Shell has submitted information indicating that it has employed steam drive injection with respect to the Olinda Fee Four Lease since 1971. Inasmuch as steam drive injection is one of the techniques listed in Section 212.78(c), we have determined on the basis of Shell's submission that the Olinda Fee Four Project meets the first requirement for certification as a qualified tertiary enhanced recovery project.

C. Shell has submitted information indicating that the project would be uneconomic unless a higher price is permitted for the crude oil from that project or the continuous steam injection is terminated. Environmental restrictions resulting from the project being located in the densely populated Los Angeles Basin have resulted in the elimination of produced crude as an alternative fuel. Shell solved the problem by converting the steam generators to handle either gas or low sulfur liquid fuel at a cost of approximately \$0.8 million. Shell has asserted that in recent years the supply of gas required for fuel in the generation of steam has been very uncertain.

Shell has provided data on its past and projected expenses with respect to the project. These data indicate a rapid increase in the cost of fuel since 1973. Shell states that termination of the continuous steam injection would reduce fuel costs by about five million dollars per year. Shell further states that without steam curtailment or price incentives, the future incremental oil resulting from continuous steam injection during 1979 will have an average value of \$8.62, but will cost

¹ The original of this Decision and Order contains information which is arguably confidential under 18 U.S.C. 1905. Such information has been deleted from this copy.

\$9.03 to produce, resulting in an indicated loss for 1979 of \$0.41 per incremental barrel produced.

In response to a request by ERA, the California State Division of Oil and Gas (Division) has submitted its views on the costs associated with the Olinda Fee Four Project. The Division states that, because the project is located in an environmentally sensitive area (adjacent to a residential development), air quality restrictions forbid using produced crude oil as boiler fuel. These restrictions necessitate the burning of natural gas or low-sulfur fuel oil, both of which are high-cost boiler fuels. The Division also notes that the project is required to employ a costly system of waste water disposal.

Based on the information submitted by Shell and the Division, we have determined that the Olinda Fee Four Project meets the second requirement for certification as a qualified tertiary enhanced recovery project with respect to that portion of the project that employs continuous steam injection.

D. Since continuous steam injection has already been initiated with respect to the Olinda Fee Four Project, the requirements of Section 212.78(b)(2) must be met prior to ERA's granting certification. We have determined that these requirements have been met. In its submission Shell affirmed that it would terminate continuous steam injection if the incremental crude oil produced by such injection was subject to ceiling price limitations other than those set forth in Section 212.78(a). Both the Shell and the California Division submissions indicate a material change in the environmental requirements imposed upon the Olinda Fee Four Project since the initiation of continuous steam injection.

E. Inasmuch as the requirements for certification have been satisfied, we are proposing to certify the Olinda Fee Four Project as a qualified tertiary enhanced recovery project. The price for incremental crude oil from this project would be determined in accordance with the price rule of Section 212.78.

F. Section 212.78(d) requires ERA to determine, at the time that it certifies a project as a qualified tertiary enhanced recovery project, the amount of incremental and non-incremental crude oil (as defined in Section 212.78(c)) that will result from that project. In general, the incremental crude oil resulting from a project initiated prior to certification by ERA is the amount of crude oil production above that which would have occurred had the qualified tertiary enhanced recovery project been discontinued. We have now determined the amounts of non-incremental production from March, 1979 through December, 1988, and have set forth those amounts in the Proposed Order. These amounts were calculated from the forecasts of annual production of non-incremental crude furnished by Shell. Conversion to monthly estimates were performed by an interpolation of monthly values adjusted for days in the month.

G. Inasmuch as Shell completed its application on February 18, 1979 and has stated that, in the absence of the requested price incentive, it would lose \$0.41 per barrel

of incremental oil during 1979, we are proposing that for purposes of Section 212.78 incremental crude oil production commence on March 1, 1979.

H. Section 205.98 sets forth the procedures for objecting to this Proposed Decision and Order. Any objection must be received by ERA within thirty calendar days from the date of publication in the Federal Register of the Proposed Decision and Order.

I. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

It is therefore, ordered that:

1. The Olinda Fee Four Project, owned and operated by Shell Oil Company, producing crude oil from the Upper Conglomerate Zones of the Yorba Linda Field in Orange County, California is declared to be a qualified Tertiary Enhanced Recovery Project within the meaning of 10 CFR 212.78.

2. Crude oil produced each month from the Olinda Fee Four Project in excess of the following schedule of "Non-Incremental Crude" is not subject to the ceiling price limitations of 10 CFR, Part 212, Subpart D: ch

Year	Month	Barrels
1979	March	150,000
	April	140,000
	May	138,000
	June	128,000
	July	126,000
	August	120,000
	September	110,000
	October	108,000
	November	98,000
	December	95,000
1980	January	89,400
	February	78,400
	March	77,600
	April	69,300
	May	65,600
	June	57,400
	July	59,300
	August	59,300
	September	57,400
	October	59,300
	November	57,400
	December	59,300
1981	January	59,500
	February	53,700
	March	59,500
	April	57,500
	May	59,500
	June	57,500
	July	59,500
	August	59,500
	September	57,500
	October	59,500
	November	57,500
	December	59,500
1982	January	56,500
	February	50,800
	March	55,600
	April	53,000
	May	54,400
	June	51,800
	July	52,700
	August	51,400
	September	49,300
	October	50,100
	November	47,300
	December	48,000
1983	January	47,100
	February	41,800
	March	45,400
	April	43,200
	May	43,700
	June	41,900
	July	42,000
	August	41,200

Year	Month	Barrels
	September	39,000
	October	38,200
	November	37,400
	December	37,800
1984	January	36,800
	February	33,700
	March	35,200
	April	33,200
	May	33,500
	June	31,600
	July	31,800
	August	30,900
	September	29,500
	October	29,600
	November	27,900
	December	28,400
1985	January	27,600
	February	24,200
	March	25,900
	April	24,700
	May	24,800
	June	23,000
	July	22,900
	August	22,100
	September	21,000
	October	20,800
	November	19,300
	December	19,100
1986	January	18,700
	February	16,100
	March	17,000
	April	15,600
	May	15,300
	June	14,400
	July	14,400
	August	13,600
	September	12,700
	October	12,300
	November	11,500
	December	11,500
1987	January	11,000
	February	9,590
	March	10,200
	April	9,450
	May	9,340
	June	8,630
	July	8,490
	August	8,070
	September	7,400
	October	7,640
	November	6,990
	December	6,790
1988	January	6,780
	February	5,940
	March	5,930
	April	5,330
	May	5,080
	June	4,920
	July	4,660
	August	4,230
	September	4,100
	October	3,810
	November	3,280
	December	3,390

3. The Base Production Control Level (BPCL) for the Olinda Fee Four Project shall be, in any month subsequent to February 1979, equal to the "Non-Incremental Crude" for that month, as set forth in the schedule immediately above, multiplied by the total number of barrels of old crude produced from the Olinda Fee Four Lease from the Upper Conglomerate Zones from March 1, 1978 through February 28, 1979 divided by the total number of barrels of crude produced on that lease from those zones during that same period.

4. This certificate is based on the presumed validity of statements, assertions, and documentary materials submitted by Shell. It is based on Shell's implicit assurance that all actual and projected costs reported by the firm

have been determined on an arm's-length basis and represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate.

5. This order will continue in effect from March 1, 1979 so long as Shell continues the application of steam drive injection on the Olinda Fee Four Project, provided that it may be revoked or modified at any time upon a determination that the factual basis underlying the application is materially incorrect.

Barton R. House,

Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[Docket No. ERA-TA-79-1]

[FR Doc. 79-11697 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 10, 1979.

Take notice that on April 9, 1979, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1: Fifty-second Revised Sheet No. 16. Said tariff sheet bears an issue date of April 9, 1979, and an effective date of April 1, 1979.

Columbia states that the foregoing tariff sheet represents an annual reduction of \$13,473,113 in Columbia's collection rates at Docket No. RP78-20 by reflecting the effect of the Commission's order issued February 23, 1979 in Docket Nos. RP74-81 and RP74-82. Said order, which has now become final, adopts the Initial Decision of the Presiding Administrative Law Judge which found that a depreciation accrual rate of 4.45% is proper and adequate for the onshore plant of Columbia Gulf Transmission Company.

Columbia states that copies of the filing were served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in

accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP78-20]

[FR Doc. 79-11660 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

April 10, 1979.

Take notice that on April 9, 1979, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following Substitute tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2;

Original Volume No. 1

Third Substitute Twenty-First Revised Sheet No. 7

Third Substitute Twenty-Second Revised Sheet No. 7

Third Substitute Twenty-Third Revised Sheet No. 7

Second Substitute Twenty-Fourth Revised Sheet No. 7 (The Third Substitute Twenty-First, Twenty-Second and Twenty-Third Revised Sheet Nos. 7 are being filed at Docket Nos. RP74-81, RP75-105 and RP76-94, respectively, for convenience and audit trial purposes.)

Original Volume No. 2

Second Substitute Second Revised Sheet No. 92

Second Substitute Second Revised Sheet No. 93

Second Substitute Third Revised Sheet No. 145

Second Substitute Third Revised Sheet No. 146

Second Substitute Second Revised Sheet No. 256

Second Substitute Second Revised Sheet No. 263

Second Substitute First Revised Sheet No. 278

Second Substitute First Revised Sheet No. 320

Second Substitute First Revised Sheet No. 337

Second Substitute First Revised Sheet No. 338

Second Substitute First Revised Sheet No. 386

Second Substitute First Revised Sheet No. 387

Second Substitute First Revised Sheet No. 416

Second Substitute First Revised Sheet No. 417

Second Substitute First Revised Sheet No. 440

Substitute First Revised Sheet No. 596
Second Substitute Original Sheet No. 628

Substitute Original Sheet No. 663

Substitute Original Sheet No. 677

Substitute Original Sheet No. 702

Said tariff sheets bears an issued date of April 9, 1979, and an effective date of April 1, 1979 at Docket No. RP78-19.

Columbia Gulf states that the foregoing tariff sheet represents an estimated annual reduction of \$13,750,000 in Columbia Gulf's collection rates at Docket No. RP78-19 by reflecting the effect of the Commission's order issued February 23, 1979 in Docket Nos. RP74-81 and RP74-82. Said order, which has now become final, adopts the initial Decision of the Presiding Administrative Law Judge which found that a depreciation accrual rate of 4.45% is proper and adequate for the onshore plant of Columbia Gulf.

Columbia Gulf states that copies of the filing was served upon each of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP78-19]

[FR Doc. 79-11661 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Consolidated Gas Supply Corp.; Filing Substitute Tariff Sheets

April 10, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on April 9, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 pursuant to the FERC order issued March 30, 1979 in Docket Nos. RP79-53, *et al.* The order directed Consolidated to reflect in its tariff language of the Louisiana First Use Tax Adjustment deferred account provision similar to the deferred account provisions contained in the Purchased Gas Adjustment clause. Substitute Original Sheet No. 75-A incorporates those provisions.

Consolidated included in its filing Substitute Twelfth Revised Sheet No. 16 which reflected the revised semi-annual PGA filing made March 30, 1979 and incorporated the Louisiana First Use Tax rate adjustment.

While Consolidated believes no waivers are necessary, Consolidated requests a waiver of any of the Commission's Rules and Regulations that may be deemed necessary in order to permit the revised tariff sheets to become effective April 1, 1979.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commission.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP79-47]

[FR Doc. 79-11662 Filed 4-13-79; 8:45 am]

BILLING CODE 6550-01-M

Explorer Pipeline Co., Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for Explorer Pipeline Company, P.O. Box 2650, Tulsa, OK 74101. These are annual valuations for Explorer and the dates of

valuation are as of December 31, 1974, 1975, 1976 and 1977 respectively.

On or before May 15, 1979, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 72 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.72) an original and three copies of a petition for leave to intervene in this proceeding. Jurisdiction over oil pipelines, as it relates to establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission to the Federal Energy Regulatory Commission (FERC), pursuant to sections 306 and 402 of the Department of Energy Organization Act, 42 U.S.C. §§ 7155 and 7172, and Executive Order No. 12009, 42 FR 46267 (September 15, 1977).

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served at the address shown above for Explorer and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Leon J. Slavin,
Administrative Officer, Oil Pipeline Board.

[Docket No. PV-1441]

[FR Doc. 79-11733 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Idaho Power Co.; Filing

Take notice that Idaho Power Company (ID) by letter dated October 5, 1978 indicated on September 29, 1978 it attempted to file with FERC six copies each of ten service agreements, summary of sales made under the above identified tariff, cost justification for the rates charged and a list of parties to whom copies of the sales summaries and cost analyses had been mailed.

ID further indicated that the service agreements were inadvertently not filed with the other material and it has just been discovered that there are twelve agreements, not ten. ID filed with twelve service agreements on October 5, 1978.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and

Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before April 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER76-796]

[FR Doc. 79-11663 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

Take notice that Southern Natural Gas Company (Southern), on April 9, 1979, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F-12.

This filing reflects the fixed contractual price escalation allowed by the Commission's Order dated September 14, 1973 issuing a certificate of public convenience and necessity in Docket No. CP72-259. Such increased price relates only to gas sales covered by said order. The increased price proposed to be effective May 4, 1979 will increase annual revenues by \$41,564.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Any such petitions or protests should be filed on or before April 24, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP79-62]

[FR Doc. 79-11664 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

April 4, 1979.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 21, 1979, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute 5th Revised Sheet No. 29-E and Substitute 3rd Revised Sheet No. 29-F.

Algonquin Gas states that the above tariff sheets were filed in substitution for 5th Revised Sheet No. 29-E and 3rd Revised Sheet No. 29-F to reflect lower rates filed under Texas Eastern's Rate Schedule ISS pursuant to the Commission's Opinion No. 21-A than were used in the determination of 5th Revised Sheet No. 29-E and 3rd Revised Sheet No. 29-F.

Algonquin Gas requests that the Commission waive any rules necessary to allow the above-mentioned tariff sheets to become effective March 1, 1979, to coincide with the proposed effective date of Texas Eastern's ISS rate change.

Algonquin Gas recognizes that Texas Eastern filed its rates pursuant to Opinion No. 21-A without prejudice to the right of any other party to the proceedings in Docket No. RP74-41 to seek rehearing and/or judicial review of Opinion No. 21-A. For that reason, Algonquin Gas hereby requests that the Commission accept those tariff sheets filed by Algonquin Gas to be effective March 1, 1979, which synchronizes its rates with the underlying rates of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket CP77-3377]

[FR Doc. 79-11657 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Boston Edison Co.; Compliance Filing

April 10, 1979.

Take notice that by letter dated March 29, 1979, Boston Edison Company tendered a refund report and a revised rate schedule, each filed in compliance with the Commission's order of February 16, 1979 in the above-captioned proceedings.

Any person wishing to do so may file comments concerning the compliance filing. All such comments should be submitted in writing to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 30, 1979. The Commission will consider all comments in determining the proper action to be taken.

Lois D. Cashell,
Acting Secretary.

[Docket Nos. E-7748, ER77-558]

[FR Doc. 79-11658, Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 10, 1979.

Take notice that on April 9, 1979, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective April 26, 1979: Fifty-third Revised Sheet No. 16

Columbia states that on March 22, 1979, it filed Fifty-first Revised Sheet No. 16 to its FERC Gas Tariff, Original Volume No. 1, to provide for the recovery of an annual increase in its cost of service of \$1,219,563. Columbia further states that said filing was made pursuant to Article VI-A of the Stipulation and Agreement in Columbia's Docket No. RP76-94, *et al.*, which provides that Columbia be permitted to increase its rates to track reductions in its and Columbia Gulf Transmission Company's (Columbia Gulf's) deferred income tax account resulting from refunding amounts attributable to certain income tax refunds. The tariff sheet had a proposed effective date of April 26, 1979. Columbia states that the filing of the present Fifty-third Revised Sheet No. 16 is necessitated by the filing of Fifty-

second Revised Sheet No. 16 to reflect effective April 1, 1979, a rate reduction relative to Columbia Gulf's onshore depreciation rate. Fifty-third Revised Sheet No. 16 continues to reflect the rate adjustment filed on March 22, 1979, but now also reflects the rate reduction relative to Columbia Gulf's onshore depreciation rate.

Columbia states that copies of the filing were served upon each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket RP76-94]

[FR Doc. 79-11659 Filed 4-13-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Control of Oxides of Nitrogen From Motor Vehicles; Intent To Petition for Waiver of 1981 NOx Emission Standards for Diesel Engine Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of a General Motors Corporation (GMC) letter of intent to petition for waiver of 1981 model year light-duty vehicle emission standard for oxides of nitrogen (NOx) to permit use of diesel engine technology.

SUMMARY: The purpose of this notice is to announce GMC's plans to request by May 1, 1979, a waiver of the 1981 model year NOx emission standard for light-duty diesel engines. This notice also is intended to announce a tentative date of June 15, 1979, for EPA to hold a public hearing on GMC's waiver application. Other manufacturers planning to apply for a diesel NOx waiver for the 1981 model year are encouraged to submit

their requests by May 1, 1979, in order to expedite EPA review of all applications.

ADDRESSES: Copies of GMC's letter are available for public inspection during normal working hours (8:00 a.m.-4:00 p.m.) Monday through Friday at the U.S. Environmental Protection Agency, Central Docket Section (Docket No. EN-793), Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Maureen D. Smith, Attorney-Advisor, Mobile Source Enforcement Division, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 426-9436.

SUPPLEMENTARY INFORMATION: Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for a waiver of the 1981 model year NOx standard of 1.0 grams per vehicle mile (gpm). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 gpm, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. Such waiver may be granted if the Administrator determines:

- (i) That such waiver will not endanger public health,
- (ii) That such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and
- (iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

Guidelines for applications were published in the Federal Register on July 14, 1978 (43 FR 30341), apprising manufacturers of the information deemed necessary to demonstrate that a waiver should be granted.

GMC submitted a letter dated February 14, 1979, to the Administrator to advise him of its plans to submit a diesel NOx waiver request by May 1, 1979. GMC also stated that a decision on its waiver request is needed by September 1, 1979, due to the lead time requirements for production facility commitments and for construction of 1981 certification test vehicles.

EPA anticipates conducting a public hearing in Washington, D.C. on June 15,

1979, after providing public notice, to consider GMC's application. For this reason, other manufacturers intending to request such a waiver for the 1981 model year are encouraged to submit their applications by May 1, 1979. This would enable EPA to conduct a single hearing on all diesel NOx waiver requests, expediting final decisions on all such requests.

Dated: April 10, 1979.

Marvin B. Durning,
Assistant Administrator for Enforcement.

[FRL 1203-5]
[FR Doc. 79-11833 Filed 4-13-79; 8:45 am]
BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Programs; Establishment of a Temporary Tolerance; Methyl 2-chloro-9-hydroxyfluorene-9-carboxylate et al.

EM Laboratories, Inc., 500 Executive Blvd., Elmsford, NY 10523, submitted a pesticide petition (PP 8G2079) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for residues of the plant growth regulator that is a mixture of methyl 2-chloro-9-hydroxyfluorene-9-carboxylate, methyl 9-hydroxyfluorene-9-carboxylate, and methyl 2,7-dichloro-9-hydroxyfluorene-9-carboxylate in or on the raw agricultural commodity cucumbers at 0.1 part per million (ppm). This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (21137-EUP-3) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. EM Laboratories, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on

request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 19, 1980. Residues not in excess of 0.1 ppm remaining in or on cucumbers after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, East Tower, 401 M St., SW, Washington, D.C. 20460 (202/755-7013).

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: April 9, 1979.

Douglas D. Campt,
Acting Director, Registration Division,
[PP 8G2079/T196; FRL 1203-3]
[FR Doc. 79-11783 Filed 4-13-79; 8:45 am]
BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board, Mobile Sources Subcommittee; Cancellation of Open Meeting

Notice is hereby given in accordance with Public Law 92-463 that the meeting of the Subcommittee on Mobile Sources of the Science Advisory Board scheduled to be held at 9:15 a.m. on April 23 and 24, 1979 at the Oak Hills Motor Inn, 7401 Wurzbach Road, San Antonio, Texas has been cancelled.

This meeting was cancelled because the Clean Air Act Section 214 Report due to Congress, scheduled for review by the subcommittee at this meeting, would not be ready by the meeting date. The meeting will be rescheduled when the report is complete.

For further information contact Mr. Terry F. Yosie, Staff Officer (202) 426-0147 or Ms. Janet Steel, Staff Assistant, (703) 557-7720.

Dated: April 12, 1979.

Richard M. Dowd,
Staff Director, Science Advisory Board,
[FRL 1205-8]
[FR Doc. 79-11951 Filed 4-13-79; 8:45 am]
BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports; Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1979 Employer Information Report EEO-1 required by 29 CFR 1602.7 is extended from March 31, 1979 to June 30, 1979. The payroll period for the EEO-1 report remains unchanged.

Signed at Washington, D.C. this 12th day of April 1979.

Eleanor Holmes Norton,
Chair, Equal Employment Opportunity Commission.

[Employer Information Report EEO-1]
[FR Doc. 79-11974 Filed 4-13-79; 10:47 am]
BILLING CODE 6570-06-M

FEDERAL MARITIME COMMISSION

Agreement Filed; Morris R. Garfinkle

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by April 26, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10035-4.
Filing party: Morris R. Garfinkle, Esquire, Galland, Kharasch, Calkins & Short, 1054 Thirty-First Street, N.W., Washington, D.C. 20007.

Summary: Agreement No. 10035-4 amends the basic joint service agreement between Reardon Smith Lines Limited and Irish Shipping Limited, operating under the trade name of Celtic Bulk Carriers in the trade between ports in the United Kingdom, Ireland and European Continent and ports on the Pacific Coast of the United States, by expanding the geographic scope thereof to include ports on the Atlantic Coast of the U.S.

By Order of the Federal Maritime Commission.

Dated: April 10, 1979.

Francis C. Hurney,
Secretary.
[FR 79-11679 Filed 4-13-79; 8:45 am]
BILLING CODE 6730-01-M

Atlantic AND Gulf/Singapore, Malaya and Thailand Conference; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause

Section 15 of the Shipping Act of 1916 (46 U.S.C. 814) requires that the Commission disapprove a section 15 agreement, " * * * after notice and hearing, on a finding of inadequate policing of the obligations under it * * *."

On September 14, 1978, the Commission published final revised rules on self-policing systems, effective January 1, 1979 (General Order 7; Docket No. 73-64, Self-Policing Systems). General Order 7 establishes "the minimum standards for judging the adequacy of self-policing activities" under section 15 of the Shipping Act of 1916, and requires that conference and other rate-fixing agreements include provisions describing a system for self-policing its members through an independent policing authority, and include other specified provisions and requirements with respect to self-policing as set forth in that order.

The parties to subject agreement have failed to conform that agreement to the minimum requirements for adequate policing, as required by General Order 7.

Because subject agreement fails to meet the minimum requirements for adequate policing as established by the Commission in General Order 7, it is presumed not to meet the standards of adequate policing of the obligations under the agreement as required by section 15 and the agreement should therefore be disapproved.

Now therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act of 1916, and in accordance with Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66) the Respondents listed in Appendix A are ordered to show cause

why subject agreement should not be disapproved for failure to be adequately policed under the requirements of section 15 of the Shipping Act, 1916;

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than July 16, 1979;

It is further ordered, That notice of this Show Cause Order be published in the Federal Register and that a copy thereof be served upon each of the Respondents listed in Appendix A;

It is further ordered, That Respondents shall file affidavits of fact and memoranda of law in accordance with the second ordering paragraph hereof, no later than May 23, 1976, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by Hearing Counsel no later than June 22, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents listed in Appendix A no later than July 8, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix

Atlantic and Gulf/Singapore, Malaya and Thailand Conference, J. F. Nash, Chairman, 40 Rector Street, Suite 1810, New York, New York 10006.
Barber Blue Sea Line, 17 Battery Place, New York, New York 10004.
Central Gulf Lines, One Whitehall Street, New York, New York 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, New York 10004.

A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048.
United States Lines, Inc., One Broadway, New York, New York 10004.

[Docket No. 79-34; Agreement No. 8240]
[FR Doc. 79-11683 Filed 4-13-79; 8:45 am]

BILLING CODE 6730-01-M

Atlantic and Gulf/Indonesia Conference; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause

Section 15 of the Shipping Act of 1916 (46 U.S.C. 814) requires that the Commission disapprove a section 15 agreement, " * * * after notice and hearing, on a finding of inadequate policing of the obligations under it * * * "

On September 14, 1978, the Commission published final revised rules on self-policing systems, effective January 1, 1979 (General Order 7; Docket No. 73-64, Self-Policing Systems). General Order 7 establishes "the minimum standards for judging the adequacy of self-policing activities" under section 15 of the Shipping Act of 1916, and requires that conference and other rate-fixing agreements include provisions describing a system for self-policing its members through an independent policing authority, and include other specified provisions and requirements with respect to self-policing as set forth in that order.

The parties to subject agreement have failed to conform that agreement to the minimum requirements for adequate policing, as required by General Order 7.

Because subject agreement fails to meet the minimum requirements for adequate policing as established by the Commission in General Order 7, it is presumed not to meet the standards of adequate policing of the obligations under the agreement as required by section 15 and the agreement should therefore be disapproved.

Now therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act of 1916, and in accordance with Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66) the Respondents listed in Appendix A are ordered to show cause why subject agreement should not be disapproved for failure to be adequately policed under the requirements of section 15 of the Shipping Act, 1916:

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an

evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than July 16, 1979:

It is further ordered, that notice of this Show Cause Order be published in the Federal Register and that a copy thereof be served upon each of the Respondents listed in Appendix A:

It is further ordered, that Respondents shall file affidavits of fact and memoranda of law in accordance with the second ordering paragraph hereof, no later than May 23, 1976, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by Hearing Counsel no later than June 22, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents listed in Appendix A no later than July 8, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix

Atlantic and Gulf/Indonesia Conference, J. F. Nash, Chairman, 40 Rector Street, Suite 1810, New York, New York 10006.
Barber Blue Sea Line, c/o Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, New York 10004.
Central Gulf Lines, One Whitehall Street, New York, New York 10004.
Djakarta Lloyd, c/o Tillston Roberts Corp., 17 Battery Place, New York, New York 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, New York 10004.
A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048.

[Docket No. 79-32; Agreement No. 8080]
[FR Doc. 79-11682 Filed 4-13-79; 8:45 am]
BILLING CODE 6730-01-M

Hawaii/Europe Rate Agreement; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause

Section 15 of the Shipping Act of 1916 (46 U.S.C. 814) requires that the Commission disapprove a section 15 agreement, " * * * after notice and hearing, on a finding of inadequate policing of the obligations under it * * * "

On September 14, 1978, the Commission published final revised rules on self-policing systems, effective January 1, 1979 (General Order 7; Docket No. 73-64, Self-Policing Systems). General Order 7 establishes "the minimum standards for judging the adequacy of self-policing activities" under section 15 of the Shipping Act of 1916, and requires that conference and other rate-fixing agreements include provisions describing a system for self-policing its members through an independent policing authority, and include other specified provisions and requirements with respect to self-policing as set forth in that order.

The parties to subject agreement have failed to conform that agreement to the minimum requirements for adequate policing, as required by General Order 7.

Because subject agreement fails to meet the minimum requirements for adequate policing as established by the Commission in General Order 7, it is presumed not to meet the standards of adequate policing of the obligations under the agreement as required by section 15 and the agreement should therefore be disapproved.

Now therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act of 1916, and in accordance with Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66) the Respondents listed in Appendix A are ordered to show cause why subject agreement should not be disapproved for failure to be adequately policed under the requirements of section 15 of the Shipping Act, 1916:

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit.

Requests for hearing shall be filed no later than July 16, 1979;

It is further ordered, that notice of this Show Cause Order be published in the *Federal Register* and that a copy thereof be served upon each of the Respondents listed in Appendix A;

It is further ordered, that Respondents shall file affidavits of fact and memoranda of law in accordance with the second ordering paragraph hereof, no later than May 23, 1976, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by Hearing Counsel no later than June 22, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents listed in Appendix A no later than July 8, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix

Hawaii/Europe Rate Agreement, R. A. Velez, Filing Agent, 417 Montgomery Street, San Francisco, California 94104.
French Line, 25 Broadway, Suite 1006, New York, New York 10006.
Hapag Lloyd A/G, U.S. Navigation Co., Inc., General Agents, 17 Battery Place, New York, New York 10004.
Intercontinental Transport (ICT) B.V., 39 Wilhelminkade, P.O. Box 545, 3000 Am Rotterdam.

[Docket No. 79-15; Agreement No. 8410]
[FR Doc. 79-11881 Filed 4-13-79; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL MARITIME COMMISSION

Jackson County Port Authority; Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 7, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10367.

Filing party: Thomas K. Roche, Esquire, Oceanic House, 21 West Main Street, Oyster Bay, New York 11771.

Summary: Agreement No. 10367 is a cooperative working arrangement in the U.S. Gulf Coast/West Africa Trade, entered into for an indefinite period by Akra Shipping Co., Ltd. (Akra) and Oivind Lorentzen Ltd. (OLL). The agreement provides that Akra will use a specific trade name (Nopal) in the involved trade for up to 24 months, and change to another thereafter. OLL agrees not to offer a competing service in the Nopal trade name as long as Akra operates in the trade. OLL further agrees to provide Akra with office space and pertinent knowledge of the trade, and also agrees to enter into a three year agreement to act as Akra's U.S. agent. Akra will pay OLL compensation equal to 1.25 percent of its gross freight revenues in the trade for a five year period from its initial sailing.

Agreement No. T-1825-1.

Filing party: Paul D. Pella, Port Director, Greater Port of Pascagoula, P.O. Box 878, Pascagoula, Mississippi 39567.

Summary: Agreement No. T-1825-1 amends an existing lease agreement between the Jackson County Port Authority, Jackson County Board of Supervisors and Louis Dreyfus Corporation to enable the Port Authority to construct a rice facility or other grain facility on the Pascagoula River.

By order of the Federal Maritime Commission.

Dated: April 11, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-11762 Filed 4-13-79; 8:45 am]

BILLING CODE 6730-01-M

Japan/Puerto Rico and Virgin Islands Freight Conference; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause

Section 15 of the shipping Act of 1916 (46 U.S.C. 814) requires that the Commission disapprove a section 15 agreement, "... after notice and hearing, on a finding of inadequate policing of the obligations under it"

On September 14, 1978, the Commission published final revised rules on self-policing systems, effective January 1, 1979 (General Order 7: Docket No. 73-64, Self-Policing Systems). General Order 7 establishes "the minimum standards for judging the adequacy of self-policing activities" under section 15 of the Shipping Act of 1916, and requires that conference and other rate-fixing agreements include provisions describing a system for self-policing its members through an independent policing authority, and include other specified provisions and requirements with respect to self-policing as set forth in that order.

The parties to subject agreement have failed to conform that agreement to the minimum requirements for adequate policing, as required by General Order 7.

Because subject agreement fails to meet the minimum requirements for adequate policing as established by the Commission in General Order 7, it is presumed not to meet the standards of adequate policing of the obligations under the agreement as required by section 15 and the agreement should therefore be disapproved.

Now therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act of 1916, and in accordance with Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66) the Respondents listed in Appendix A are ordered to show cause why subject agreement should not be disapproved for failure to be adequately policed under the requirements of section 15 of the Shipping Act, 1916;

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting

forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than July 16, 1979;

It is further ordered, that notice of this Show Cause Order be published in the Federal Register and that a copy thereof be served upon each of the Respondents listed in Appendix A;

It is further ordered, that Respondents shall file affidavits of fact and memoranda of law in accordance with the second ordering paragraph hereof, no later than May 23, 1976, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by Hearing Counsel no later than June 22, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents listed in Appendix A no later than July 8, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix

Japan/Puerto Rico and Virgin Islands Freight Conference, T. Sato, Secretary-Manager, Sumitomo Seimei Yaesu Bldg., 2-1, Yaesu 2-Chome, Chuo-Ku, Tokyo 104, Japan.
Japan Line, Ltd., One World Trade Center, Suite 2887, New York, New York 10048.
Kawasaki Kisen Kaisha, Ltd., c/o "K" Line-Kerr Corp., 90 Washington Street, New York, New York 10006.
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048.
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048.
Sea-Land Service, Inc., One World Trade Center, Suite 2711, New York, New York 10048.

Yamashita-Shinnihon Steamship Co., Ltd.,
c/o Texas Transport & Terminal, 71
Broadway, New York, New York 10006.

[Docket No. 79-31; Agreement 8190]
[FR Doc. 79-11680 Filed 4-13-79; 8:45 am]
BILLING CODE 6730-01-M

Thailand/U.S. Atlantic and Gulf Conference; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause

Section 15 of the Shipping Act of 1916 (46 U.S.C. 814) requires that the Commission disapprove a section 15 agreement, " * * * after notice and hearing, on a finding of inadequate policing of the obligations under it * * *."

On September 14, 1978, the Commission published final revised rules on self-policing systems, effective January 1, 1979 (General Order 7; Docket No. 73-64, Self-Policing Systems). General Order 7 establishes "the minimum standards for judging the adequacy of self-policing activities" under section 15 of the Shipping Act of 1916, and requires that conference and other rate-fixing agreements include provisions describing a system for self-policing its members through an independent policing authority, and include other specified provisions and requirements with respect to self-policing as set forth in that order.

The parties to subject agreement have failed to conform that agreement to the minimum requirements for adequate policing, as required by General Order 7.

Because subject agreement fails to meet the minimum requirements for adequate policing as established by the Commission in General Order 7, it is presumed not to meet the standards of adequate policing of the obligations under the agreement as required by section 15 and the agreement should therefore be disapproved.

Now therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act of 1916, and in accordance with Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66) the Respondents listed in Appendix A are ordered to show cause why subject agreement should not be disapproved for failure to be adequately policed under the requirements of section 15 of the Shipping Act, 1916;

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an evidentiary hearing is required, that party must accompany any request for

such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than July 16, 1979;

It is further ordered, that notice of this Show Cause Order be published in the Federal Register and that a copy thereof be served upon each of the Respondents listed in Appendix A;

It is further ordered, that Respondents shall file affidavits of fact and memoranda of law in accordance with the second ordering paragraph hereof, no later than May 23, 1976, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and a memorandum of law shall be filed by Hearing Counsel no later than June 22, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that a rebuttal memorandum and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents listed in Appendix A no later than July 8, 1979, with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix

Thailand/U.S. Atlantic and Gulf Conference, Coopers & Lybrand, Secretaries, Thai Danu Bank Bldg., 8th Floor, 393 Silom Road, Bangkok, Thailand.
American President Lines, Ltd., 61 Broadway, New York, New York 10006.
Barber Blue Sea Line, c/o Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, New York 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, New York 10004.
A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048.
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048.

[Docket No. 79-33; Agreement No. 8100]
[FR Doc. 79-11684 Filed 4-13-79; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 4, 1979.

A. Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PITTSBURGH NATIONAL CORPORATION, Pittsburgh, Pennsylvania (mortgage activities; California): to engage, through its subsidiary, The Kissel Company, in mortgage banking activities, including making, acquiring, and servicing loans and other extensions of credit. These activities would be conducted from an office in the Oxnard, California, metropolitan area, and the geographic areas to be served are Ventura and Santa Barbara Counties and the northern part of Los Angeles County, California.

2. PITTSBURGH NATIONAL CORPORATION, Pittsburgh, Pennsylvania (mortgage activities; Ohio, Pennsylvania, West Virginia): to engage in the activities described in the preceding paragraph through the subsidiary there identified. These activities would be conducted from an office in the Wheeling, West Virginia, metropolitan area, and the geographic areas to be served encompass 12 counties in West Virginia, 5 in Ohio, and 3 in Pennsylvania.

B. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, April 9, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-11781 Filed 4-13-79; 8:45 am]
BILLING CODE 6210-01-M

Colonial-American Bankshares Corporation; Acquisition of Bank

Colonial-American Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Metropolitan Bank of Central Virginia, Lynchburg, Virginia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 7, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 10, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-11783 Filed 4-13-79; 8:45 am]
BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Domestic Open Market Operations

Notice is given that on April 2, 1979, pursuant to paragraph 1C of the Committee's authorization for domestic open market operations the Committee expressly authorized the Federal

Reserve Bank of New York to arrange repurchase agreements with dealers, in connection with special Treasury financings, at the rate at which the securities were auctioned rather than at rates determined by competitive bidding, effective immediately, for the period ending with the close of business on April 6, 1979.

By order of the Federal Open Market Committee, April 9, 1979.

Murray Altmann,
Secretary.
[FR Doc. 79-11779 Filed 4-13-79; 8:45 am]
BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on March 29, 1979, paragraph 2 of the Committee's authorization for domestic open market operations was amended to raise from \$2 billion to \$5 billion the limit on Federal Reserve Bank holdings of special short-term certificates of indebtedness purchased directly from the Treasury, effective immediately, for the period ending with the close of business on April 17, 1979.

Note.—For paragraph 2 of the Authorization, see 40 FR 10660.

By order of the Federal Open Market Committee, April 9, 1979.

Murray Altmann,
Secretary.
[FR Doc. 79-11780 Filed 4-13-79; 8:45 am]
BILLING CODE 6210-01-M

First Community Bancorporation; Acquisition of Bank

First Community Bancorporation, Joplin, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 per cent or more of the voting shares of the Bank of Table Rock Lake, Reeds Spring, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 4, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying

specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 10, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-11782 Filed 4-13-79; 8:45 am]

BILLING CODE 6210-01-M

Metropolitan Bancshares, Inc.; Formation of Bank Holding Company

Metropolitan Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 83 per cent or more of the voting shares of The Metropolitan Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 10, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 10, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR 79-11784 Filed 4-13-79; 8:45 am]

BILLING CODE 6210-0-M

FEDERAL TRADE COMMISSION

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Volkswagenwerk AG is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain voting securities of Triumph Werke Nurnberg AG from Litton Industries, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the

Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 6, 1979.

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, 202-523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-11794 Filed 4-13-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 5, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the *Federal Register* is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses.

Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before May 4, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests clearance of revisions to Piggyback Traffic Forms PTR-R, PTR-M, PTR-FF and PTR-W required to be filed by some 68 Class I and Class II line-haul railroads, 1906 Class I and Class II motor carriers of property, 139 Class A freight forwarders, and 65 Class A water carriers and maritime carriers pursuant to order of the ICC, 49 CFR 1252. The data collected by these forms are used for economic regulatory purposes. The reports are not available for public inspection pursuant to 49 CFR 1252. Forms PTR-R, PTR-M, PTR-FF and PTR-W are revised in accordance with the Commission's decision in No. 34364 (Sub-No. 3), served on all affected carriers October 6, 1978, and published in the *Federal Register* October 11, 1978. The new rules require reporting on an annual basis rather than on a semiannual basis and make Class II railroads and Class II intercity motor carriers of property subject to the reporting requirements. A minor amount of new data will be required from railroads and freight forwarders ICC states. The ICC estimates reporting burden for carriers to average 45 hours for railroads, 15 hours for motor carriers, 10 hours for freight forwarders, and 8 hours for water carriers each time a report is prepared.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-11074 Filed 4-13-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Guaranteed Student Loan Program; Special Allowance for Quarter Ending Dec. 31, 1978

The Commissioner announces that for the three-month period ending December 31, 1978, and under the statutory formula of section 438(b) of the Higher Education Act of 1965, a special allowance at an annual rate of five and five-eighths percent will be paid to

holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this *three-month* period was computed by determining the average of the bond equivalent rates of the 91-day Treasury bills for this period (9.06 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (5.56) upward to the nearest one-eighth of one percent (5.625), and by dividing the resultant percent by four (1.40625 percent). Thus, the special allowance to be paid for this period will be 1.40625 percent of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by lenders.

Although the statutory formula provides that the special allowance for any twelve-month period shall not exceed five percent, the special allowance for any individual quarter may exceed the annual rate of five percent.

(20 U.S.C. 1087-1(b))

John Ellis,
Acting U.S. Commissioner of Education.
[FR Doc. 79-11672 Filed 4-13-79; 8:45 am]
BILLING CODE 4110-02-M

Health Education Assistance Loan Program; Variable Interest Rate for Quarter Ending Mar. 31, 1979

The Commissioner announces that for the 3-month period ending March 31, 1979, the variable interest rate on loans in the Health Education Assistance Loan (HEAL) Program shall be at the annual rate of 12½ percent.

Using the regulatory formula (45 CFR 126.13(a)(2) and (3)), the Commissioner computed the variable rate for this three month period by adding the fixed annual rate (7 percent) plus a variable component which is calculated by determining the average of the bond equivalent rates of the 91-day Treasury bills for the preceding calendar quarter (9.06 percent), by subtracting 3.5 percent from that average, and by rounding the resultant percent (5.56) upward to the nearest one-eighth of one percent (5.625).

Although the regulatory formula provides that the variable interest rate shall not exceed 12 percent per year, the interest rate for any individual quarter may exceed the annual rate of 12 percent.

John Ellis,
Acting U.S. Commissioner of Education.
[FR Doc. 79-11671 Filed 4-13-79; 8:45 am]
BILLING CODE 4110-02-M

School Construction—Technical Assistance; Cutoff Date for Receipt of Applications for Fiscal Year 1979

Applications are invited for new technical assistance projects under the School Construction Program.

Authority for this program is contained in section 3 of Public Law 81-815, school construction in areas affected by Federal activities. (72 Stat. 548, 20 U.S.C. 633)

Notice is given that the U.S. Commissioner of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1979 or June 1980 for assistance under Sections 5, 8, 9 and 14 of Public Law 81-815.

Approval of these applications will be subject to the availability of funds.

Cutoff Date for Transmittal of Applications

Applications must be mailed or hand delivered to the U.S. Commissioner of Education from the State educational agencies on or before August 20, 1979.

Applications Delivered by Mail

An application sent by mail should be addressed to the Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue SW., Room 2107A, Washington, D.C. 20202.

Proof of mailing, by August 20, may consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications Delivered by Hand

An application to be hand-delivered must be taken to the Office of Education, 400 Maryland Avenue, S.W. Room 2107A, Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Applications will not be accepted after 4:00 p.m. on the cutoff date.

Program Information

Information and application forms may be obtained from the appropriate

State educational agency which serves the applicant local educational agency.

Applicable Regulations

The regulations applicable to this program are:

(a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) Regulations governing the School Construction Program (45 CFR 114) published in the Federal Register on April 8, 1975.

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—Construction).

Dated: April 9, 1979.

Ernest L. Boyer,
U.S. Commissioner of Education.
[FR Doc. 79-11673 Filed 4-13-79; 8:45 am]
BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Administration—Office of Organization and Management Information

Annual Review of National Mobile Home Advisory Council; Invitation for Public Comment

AGENCY: Department of Housing and Urban Development.

ACTION: Notice Requesting Public Comment.

SUMMARY: The National Mobile Home Advisory Council is annually reviewed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, to evaluate its functions and effectiveness. As part of the review process, public comment is invited, and will be considered in the formulation of HUD's final recommendations. As part of the review process, HUD's Office of Mobile Home Standards has submitted a report on the council's performance and has recommended that the council be continued as a unique, valuable and cost-effective source of information and advice. This report appears below in the Supplementary Information section of this Notice.

DATES: Written public comments should be submitted by April 30, 1979 to the Rules Docket Clerk.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

FOR ADDITIONAL INFORMATION CONTACT: Norma Austin, Office of Organization and Management Information (202) 755-5206.

SUPPLEMENTARY INFORMATION: The recommendations in HUD's annual review are based on considerations of the following factors:

- (1) The number of times the council has met in the past year and the relevance of that number to its continuation.
- (2) The number of reports submitted by the council in the past year.
- (3) A description of how the council's report, recommendations, or advice have been used in HUD policy formulation, program planning, decision-making, achieving economies, etc.
- (4) An explanation of why the recommendation or information cannot be obtained from other sources, elsewhere within HUD, from other agencies or existing committees, public hearings, consultants, etc.
- (5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within HUD, or with other agencies.
- (6) The relationship of the cost of the council to the reports, recommendations, or information provided.
- (7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced—the views, areas of expertise, etc., included.

The text of the Department's report follows:

Department of Housing and Urban Development, Office of Mobile Home Standards, National Mobile Home Advisory Council

Review

(1) The Advisory Council was established to meet "as required" rather than on a prescribed schedule. The Council had one meeting in full session during 1978. While the Council met only once during 1978, its charter permits a maximum of two meetings per year. This meeting level is deemed both adequate and optimum to deal with the major issues expected to be considered by the Council.

(2) The Council did not submit any reports in 1978.

(3) In accordance with Section 605(b) of the National Mobile Home Construction and Safety Standards Act of 1974, to the extent feasible, the Department has consulted with the Advisory Council prior to any rulemaking and their recommendations were considered as part of the Department's evaluation process.

(4) The Department seeks diverse views on issues affecting the mobile home program. Alternative sources are not available within HUD and there are no other committees or agencies dealing with the same subject matter. Public hearings are an interesting possibility but do not provide for a continuing consensus of informed advice which is a strong feature of the Advisory Council. Also, since committee members are compensated

for their time and travel expenses, we are able to obtain opinions and advice from persons who might not be able to attend a public hearing for economic reasons. Additionally, the public hearing does not provide the basis for balanced representation or follow through on recommendations which is inherent in an advisory council.

Consultants offer considerable expertise within their specialty, but this alternative also fails to provide balanced representation, particularly from the consumer segment.

(5) There is no duplication or overlap of function.

(6) The cost of the National Mobile Home Advisory Council is relatively insignificant when compared to its value to the Department in generating nationally representative recommendations, reports, and other information on the Federal mobile home standards.

(7) The enacting legislation and the Council Charter require a balanced membership on the Council. Eight members are selected from among consumer organizations, community organizations and recognized consumer leaders; eight members are selected from the mobile home industry and related groups including at least one representative of small business; and eight members are selected from government agencies including Federal, State and local governments. Additionally, membership is weighed geographically according to the size of the industry and the number of mobile homes in each region. The government segment of the membership consists of non-Federal government employees. To achieve broad balance, a request for nominations to the Council was advertised in the *Federal Register* in accordance with Departmental procedures.

The public is invited to comment on these or any other relevant factors for consideration in the final recommendations.

Issued at Washington, D.C., April 6, 1979.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[Docket No. N-79-920]

[FR Doc. 79-11689 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

Florida; Emergency and Related Determination.

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Florida (FDAA-3075-EM), dated March 24, 1979, and related determinations.

DATED: March 24, 1979.

FOR FURTHER INFORMATION CONTACT:

John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143), notice is hereby given that, in a letter on March 24, 1979, to the Secretary, the President declared an emergency as follows:

I have determined that the impact of severe storms and flooding on the State of Florida is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to implement the Individual and Family Grant Program under Section 408 of Public Law 93-288 and to provide a grant for the uninsured portions of repairs to University Hospital in Escambia County under Section 305 of Public Law 93-288.

I expect appropriate Federal agencies to cooperate with State and local governments in undertaking effective hazard-mitigation activities with respect to this hospital.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Florida to have been adversely affected by this declared emergency.

The Counties of: Escambia and Santa Rosa. (Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-3075-EM; Docket No. NFD-670]

[FR Doc. 79-11689 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

Georgia; Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Georgia (FDAA-3072-EM), dated March 13, 1979, and related determinations.

DATED: March 13, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on March 13, 1979 to the Secretary, the President declared an emergency as follows:

I have determined that the impact of flooding on the State of Georgia is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Georgia for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The counties of: Floyd, Gilmer, and Polk.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-3072-EM; Docket No. NFD-673]

[FR 79-11693 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

Missouri; Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Emergency Declaration for the State of Missouri (FDAA-3071-EM), dated March 12, 1979.

DATED: March 29, 1979.

FOR FURTHER INFORMATION CONTACT: John Perry, Acting Chief, Program Support, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of Emergency for the State of Missouri dated March 12, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the emergency declared by the President in his declaration of March 12, 1979.

The county of: Clark.

Federal assistance is authorized to donate Government-owned mobile homes to the State of Missouri for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93-288.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-3071-EM; Docket No. NFD-671]

[FR Doc. 79-11691 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

Missouri; Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Missouri (FDAA-3071-EM), dated March 12, 1979, and related determinations.

DATED: March 12, 1979.

FOR FURTHER INFORMATION CONTACT: John Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing

and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on March 12, 1979 to the Secretary, the President declared an emergency as follows:

I have determined that the impact of an ice jam and flooding on the State of Missouri is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Missouri for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area to have been adversely affected by this declared emergency.

The county of: Andrew.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-3071-EM; Docket No. NFD-672]

[FR Doc. 79-11692 Filed 4-13-79; 8:45 am]

BILLING CODE 4201-01-M

Washington; Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Washington, (FDAA-3070-EM), dated March 12, 1979, and related determinations.

DATED: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John Perry, Program Support Staff,
Federal Disaster Assistance
Administration, Department of Housing
and Urban Development, Washington,
D.C. 20410, (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on March 12, 1979 to the Secretary, the President declared an emergency as follows:

I have determined that the impact of flooding on the State of Washington is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Washington for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayor of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer of this declared emergency.

I do hereby determine the following area to have been adversely affected by this declared emergency.

The county of Franklin.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-3070-EM; Docket No. NFD-674]

[FR Doc. 79-11694 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****Designated Wilderness Study Areas of the Public Lands in the California Desert Conservation Area; Extension of Effective Date**

On March 30, 1979, a notice of designation of Wilderness Study Areas on public lands in the California Desert Conservation Area was published in the *Federal Register* (44 FR 19044). That notice provided that the final designations made by the BLM State Director, California, would become effective on May 16, 1979.

Because of difficulties in providing a timely mailing of the appropriate maps and documents concerning the inventory of public lands which led to Wilderness Study Area designations, the date on which the designations listed in the March 30 notice will become effective is hereby extended for a period of 10 additional days to May 10, 1979.

For the purposes of this designation, each area is considered separable from every other area. Should any amendment to these designations be made by the BLM State Director, California, as a result of new information received following publication, that amendment will be formally published in the *Federal Register* and will not become effective until 30 days following such publication. Such 30-day extension shall apply only to the amendment, and not to the original designations.

Persons wishing to protest any of the Wilderness Study Area designations or nondesignations published in the *Federal Register* on March 30, 1979, shall now have until May 10, 1979, to file a written protest with the State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, which must specify the numbered Area to which the protest is directed; must include a clear and concise statement of reasons for the protest; and must furnish supporting data. The BLM State Director, California, will render a written decision on any such protest so received.

Any person adversely affected by the State Director's decision on such written protest filed by such person may appeal such decision by following normal administrative procedures applicable to formal appeals to the Interior Board of Appeals, which are published in 43 CFR Part 4.

Dated: April 6, 1979.

Ed Hastey,

State Director, California.

[FR Doc. 79-11705 Filed 4-13-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****Alaska Native Claims Selection**

On February 21, 1978, Cook Inlet Region, Inc., filed selection application F-35320-1 under the provisions of Secs. 12(b)(3) of the Act of January 2, 1976 (89 Stat. 1151; 43 U.S.C. 1621) and I.D.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified August 31, 1976, for the surface and subsurface estates of Federal lands located in T. 10 S., R. 9 W., Fairbanks Meridian.

Section 12(b)(3) of the Act of January 2, 1976, authorizes and directs the Secretary of the Interior to convey the above named tract of land to Cook Inlet Region, Inc.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(3) of the Act, *supra*:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 10 S., R. 9 W.,

Sec. 1, excluding Native allotments F-865 and F-985;

Secs. 2, 3, and 4, all;

Sec. 5, excluding Native allotments F-982 and F-985;

Secs. 6 to 11, inclusive, all;

Sec. 12, excluding Native allotment F-982;

Secs. 13 to 24, inclusive, all;

Sec. 25, excluding U.S. Survey 5232;

Secs. 26 to 35, inclusive, all;

Sec. 36, excluding U.S. Survey 5232;

Containing approximately 22,222 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall not contain any reservation to the United States.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)(1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee or grantee

to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2) (ANCSA)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. A right-of-way F-035083 for a 138 KV transmission line, one-hundred (100) feet in width, for the Golden Valley Electrical Association, issued pursuant to the Act of March 4, 1911 (36 Stat. 1253), as amended; 43 U.S.C. 961 (1970), located in the E½ of Sec. 1, T. 10 S., R. 9 W., Fairbanks Meridian.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in both the *Anchorage Times* and the *Fairbanks Daily News-Miner*. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 16, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of

appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Stanley H. Bronczyk,
Acting Chief, Division of ANCSA Operations.

[F-35320-1, F-35432-1]

[FR Doc. 79-11656 Filed 4-13-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the East Yolo Community Services District; Availability of the Proposed Contract for Public Review and Comment

The Department of the Interior, through the Bureau of Reclamation, is in the final stages of negotiating a contract with the East Yolo Community Services District which will provide a municipal, industrial, and domestic (M&I) water supply. The major purposes of the proposed contract are a settlement of water rights concerning water diversions from the Sacramento River and would provide Central Valley Project (CVP) water to supplement the district's Sacramento River water rights. The proposed contract is written pursuant to the Act of June 17, 1902 (32 Stat. 388), as amended.

The district is located in the southeastern portion of Yolo County, California, immediately across the Sacramento River from the City of Sacramento, and encompasses an area of approximately 13,000 acres. According to a special census taken in 1975, the district had a population of 23,888. The population is projected to increase to approximately 54,000 over the next 40 years. Presently, water service is provided from ground water sources by the Washington Water and Light Company.

The district applied to the State of California Water Resources Control Board for a permit to divert unappropriated water from the Sacramento River. The United States protested the application. The Board granted the application with the understanding that a supply of water must be found for months in which no unappropriated water is available.

The proposed contract would provide CVP water to the district during deficient summer months. The maximum quantity of water the district is entitled to divert under the proposed contract is 23,600 acre-feet annually, of which 9,680 acre-feet will be CVP water. The term of the proposed contract is 40 years. The water rate in the proposed contract is \$9 per acre-foot with provisions for adjustments beginning in 1981 and every five years thereafter. The proposed contract requires the district to pay for

20 percent of all water diverted during June, 88 percent of all water diverted during July, and 100 percent of all water diverted during August and September of each year.

For further information and copies of the proposed contract, please contact Mr. John Budd, Water and Land Operations, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone no. (916) 484-4388.

Comments on the proposed contract will be received up to 30 days from the date of this notice. All written correspondence concerning the proposed contract is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: April 9, 1979.

R. Keith Higginson,
Commissioner.

[FR Doc. 79-11665 Filed 4-13-79; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Known Geothermal Resources Area; Dixie Valley, Nev.

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegates of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as additions to the Dixie Valley Known Geothermal Resources Area, effective February 1, 1979:

(28) Nevada

Dixie Valley Known Geothermal Resources Area

Mt. Diablo Meridian, Nevada

T. 23 N., R. 37 E.

Sec. 2;

Sec. 3;

Sec. 5;

Sec. 6;

Sec. 7;

Sec. 8;

Sec. 9;

Sec. 15;

Sec. 17;

Sec. 18;

Sec. 22;

Sec. 23;

Sec. 27.

T. 25 N., R. 37 E.

Sec. 1;

Sec. 2;

Sec. 3;

Sec. 36.

T. 23 N., R. 38 E.

Sec. 2;
Sec. 3;
Sec. 4;
Sec. 5;
Sec. 6;
Sec. 10;
Sec. 11;
Sec. 15;
Sec. 16.

T. 24 N., R. 38 E.

Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.

T. 25 N., R. 38 E.

Sec. 19;
Sec. 30;
Sec. 31.

The area described aggregates
29,274.28 acres, more or less.

Dated: March 28, 1979.

Wright C. Sheldon,
Acting Conservation Manager, Western Region.
[FR Doc. 79-11648 Filed 4-13-79; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL TRADE COMMISSION

Doxycycline; Commission Determination and Order

The United States International Trade Commission conducted an investigation under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) ("section 337") of unfair methods of competition and unfair acts in the unauthorized importation into the United States of doxycycline covered by the claims of United States Letters Patents No. 3,200,149, or in its sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. On March 27, 1979, the Commission determined that there is a violation of section 337 and ordered that doxycycline falling within Claim 10 of United States Letters Patent No. 3,200,149 be excluded from entry into the United States for the term of that patent (until August 10, 1982) unless the importation is licensed by the patent owner.

The purpose of this Commission determination and order is to provide

for the final disposition of the Commission's doxycycline investigation. Copies of this Commission determination and order and Commissioners' opinions in support of Commission action (USITC Publication No. 964) may be obtained by interested persons from the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone 202-523-0161.

Determination

Having reviewed the evidentiary record in this matter including (1) the submissions filed by the parties, particularly including the motion of Pfizer for summary determination on all issues and the response of Commission investigative attorney thereto, (2) the pleadings, depositions, admissions and affidavits in this proceeding, (3) the recommended determination of the presiding officer, and (4) the public hearing before the Commission on February 6, 1979, the Commission, on March 27, 1979, determined:

1. That there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States of doxycycline falling within claim 10 of complainant's United States Letters Patent No. 3,200,149, or in its sale by its owner, importers, consignees, or agents of either, in the United States, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States;¹

2. That the appropriate remedy for such a violation is to direct that doxycycline falling within claim 10 of the United States Letters Patent No. 3,200,149 be excluded from entry into the United States for the term of said patent, except under license of the patent owner;²

3. That, after considering the effect of such relief upon the public health and welfare, competitive conditions in the

¹ Commissioners George M. Moore and Paula Stern determined that there are violations of section 337(1) in the importation of infringing doxycycline into the United States and (2) in the sale of infringing imported doxycycline by the owner, importer, consignee, or agent of either, in the United States.

² Commissioners George M. Moore and Paula Stern determined that the issuance of this exclusion order is the appropriate means to remedy the violation of 19 U.S.C. 1337 which they found to exist in the importation of infringing doxycycline into the United States. However, Commissioners Moore and Stern further determined that the issuance of an order requiring International Rectifier Corporation to cease and desist from selling infringing imported doxycycline in the United States which it has imported since May 2, 1973, is the appropriate means to remedy the violation of 19 U.S.C. 1337 which they found to exist in the sale of infringing imported doxycycline by the owner, importer, consignee, or agent of either, in the United States.

U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such relief should be imposed; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)(3)) be in the amount of \$600.00 per kilogram of imported bulk doxycycline hyclate.

Order

Accordingly, it is hereby ordered that:

1. Complainant's motion for summary determination as to all issues in this investigation (Motion Docket No. 3-16) is granted;

2. Complainant's motion for summary determination that Danbury Pharmacal is committing unfair acts in the import trade (Motion Docket No. 3-13) is dismissed as being moot;

3. Complainant's motion for summary determination that the domestic industry is economically and efficiently operated (Motion Docket No. 3-12) is dismissed as being moot;

4. Complainant's motion for imposition of sanctions against respondent International Rectifier Corporation and for a recommended order pursuant to section 337(f) (Motion Docket No. 3-10) is granted insofar as complainant moved the Commission for the imposition of evidentiary sanctions under section 210.36(b) of the rules, and is denied insofar as complainant moved the Commission for an order pursuant to section 337(f);³

5. Doxycycline falling within claim 10 of United States Letters Patent No. 3,200,149 is excluded from entry into the United States for the term of said patent except where such importation is licensed by the owner of said patent;

6. Doxycycline ordered to be excluded from entry is entitled to entry into the United States under bond in the amount of \$600.00 per kilogram of imported bulk doxycycline hyclate from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves this action or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt;

7. That this order will be published in the Federal Register and served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

³ Commissioners George M. Moore and Paula Stern would also grant that part of complainant's Motion docket No. 3-10 for an order pursuant to section 337(f).

8. That the United States International Trade Commission may amend this order at any time.

By order of the Commission:

Issued: April 12, 1979.

Kenneth R. Mason,

Secretary.

[Investigation No. 337-TA-3]

[FR Doc. 79-11929 Filed 4-13-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Stipulation and Consent Decree in Action To Enforce Compliance With District of Columbia Air Pollution Regulations

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 1 9029, notice is hereby given that a proposed stipulation and consent decree in *District of Columbia, et al. v. Solomon, et al.* has been lodged with the United States District Court for the District of Columbia. The decree imposes on defendant General Services Administration certain requirements and compliance dates with respect to the operation of its coal-fired boilers at the Central and West Heating Plants in the District of Columbia.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice, written comments relating to the proposed stipulation and consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *District of Columbia, et al. v. Solomon, et al.* D.J. Ref. 90-5-2-1-57.

The stipulation may be examined at the Pollution General Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed stipulation and consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-11766 Filed 4-13-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Development of a Discretionary Grant Program for Arson Control Assistance; Guideline Manual

The Office of Criminal Justice Programs, Law Enforcement Assistance Administration, under the legislative authority of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3701, et seq., is in the process of developing a program announcement for a discretionary grant program for arson control assistance. This program announcement will represent an addition to Guideline Manual M 4500.1G, Guide for Discretionary Grant Programs. The addition of this program will in no way impact on programs already described in the Guide nor will it affect the eligibility of any applicants to existing programs.

It is anticipated that funds will be available to assist State and local arson control efforts. The majority of the funds will go towards establishing or augmenting State, regional, or local arson task forces or units. One of the primary prerequisites of any application to this program is that it demonstrate close coordination between police, fire, and prosecutorial agencies in the given jurisdiction.

In order to assist this Office in formulating a draft program announcement and in order to ensure that interested organizations, agencies, and individuals have an opportunity to participate in its development, this notice and invitation to submit written views, comments, and specific recommendations are being provided. The draft program announcement will be published in the **Federal Register**.

Interested parties are invited to submit written comments or suggestions to Ms. Judy O'Connor, Program Manager, Arson Unit, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW, Washington, DC 20531.

J. Robert Grimes,

Assistant Administrator, Office of Criminal Justice Programs.

[FR Doc. 79-11705 Filed 4-13-79; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

National Institute of Law Enforcement and Criminal Justice; Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive procurement for evaluation of the Law Enforcement Assistance Administration's Major White Collar Crime Program. The evaluation is to determine operational impact of the program and to the extent possible, causes for variation in that impact. Organizations with a particular interest in this program area are invited to submit preliminary grant proposals concerning the evaluation.

The evaluation is to encompass ten projects in seven states. It is estimated that the evaluation will cost \$250,000 and require a fifteen month time period.

The solicitation requires that preliminary grant proposals be postmarked no later than May 11, 1979. A formal application will be requested following a peer review process in accordance with criteria set forth in the solicitation. It is expected that final award will be made during August, 1979.

Further information and copies of the solicitation can be obtained by contacting Paul Lineberry or Rosemary Murphy, OPE, NILECJ, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or (301) 492-9085.

Blair G. Ewing,

Acting Director, NILECJ.

[FR Doc. 79-11850 Filed 4-13-79; 8:45 am]

BILLING CODE 4410-18-M

National Minority Advisory Council on Criminal Justice; Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The National Minority Advisory Council will hold its regular work session on April 27 and 28, 1979. The meeting will be held at the Omni International Hotel, 1 Omni International, Atlanta, Georgia 30303. The meeting is scheduled to run from 6:00 pm-10:00 pm on the 27th of April and 9:00 am-5:00 pm on the 28th of April. The two sessions will center on review of the Council's final report on the national needs assessment of minorities and their relationship with the criminal justice system. The meeting is open to the public.

Anyone wishing additional information should contact Lewis W. Taylor, Project Monitor, 633 Indiana

Ave., NW., Washington, D.C. 20531.
Telephone number (202) 633-2215.

Lewis W. Taylor,
Project Monitor, National Minority Advisory Council on
Criminal Justice.

[FR Doc. 79-11649 Filed 4-13-79; 8:45 am]

BILLING CODE 4410-18-M

Law Enforcement Assistance Administration

National Institute of Law Enforcement and Criminal Justice; Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive procurement for evaluation of the Law Enforcement Assistance Administration's National Criminal Justice Executive Training Program. The evaluation is to assess certain aspects of the Program's impact in quantitative and qualitative terms.

The evaluation is to focus on the development and delivery processes pertaining to fifteen workshop topics and their respective audiences. It is estimated that the evaluation will cost \$150,000 and require a twelve month time period.

The solicitation requires that preliminary grant application be postmarked no later than May 11, 1979. A formal application will be requested following a peer review process in accordance with criteria set forth in the solicitation. It is expected that final award will be made during June, 1979.

Further information and copies of the solicitation can be obtained by contacting Paul Lineberry or Rosemary, OPE, NILECJ, LEAA, 633 Indiana Ave., N.W., Washington, D.C. 20531, or calling (301) 492-9085.

Blair G. Ewing,
Acting Director, NILECJ.

Certified to be a true copy of the original document.

Jay Brozost,
Attorney-Adviser, Office of General Counsel.

[FR Doc. 79-11651 Filed 4-13-79; 8:45 am]

BILLING CODE 4410-18-M

National Institute of Law Enforcement and Criminal Justice; Notice of Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant for the evaluation of antisera and accompanying serological methods for dried blood typing. The ultimate objective of this research is to give the forensic serologist sources of reliable antisera and procedures for a variety of blood group systems.

The solicitation asks for the submission of formal proposals. In order to be considered, the proposal must be received by the National Institute no later than May 30, 1979. One grant, for \$65,000 will be awarded for a 24 month project.

Additional information and copies of the solicitation can be obtained by contacting John O. Sullivan, Police Division, NILECJ, 633 Indiana Avenue, N.W., Washington, D.C., 20531 (301) 492-9110.

Blair G. Ewing,

Acting Director, National Institute of Law Enforcement and
Criminal Justice.

[FR Doc. 79-11652 Filed 4-13-79; 8:45 am]

BILLING CODE 4401-01-M

LEGAL SERVICES CORPORATION

Recipients of Funds; Instruction

AGENCY: Legal Services Corporation.

ACTION: Instruction to all recipients of legal services corporation funds.

SUMMARY: The purpose of this instruction is to assist Legal Services Corporation recipients to establish a uniform and fiscally sound property management program by prescribing procedures for the procurement, inventory control, and disposal of nonexpendable property under the authority provided by Section 1008(b) of the Legal Services Corporation Act. It replaces the instruction of December 10, 1975, relating to the acquisition, control, and disposal of (1) excess Federal Property, (2) property purchased with Grant funds, and (3) property donated to grantees.

EFFECTIVE DATE: May 16, 1979.

ADDRESS: Legal Services Corporation,
733 Fifteenth Street, N.W., Suite 220,
Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:
James Jasch, (202) 376-2091.

Supplemental Information

*Subject: Property Management Program
for Legal Services Corporation
Recipients*

1. *Purpose.* To establish uniform policies and procedures for the acquisition, inventory control and disposal of nonexpendable property.

2. *Procedures.* a. *Nonexpendable Property.* For inventory control purposes, nonexpendable property is defined as having an acquisition cost of \$50.00 or more or a useful life of more than one year.

b. *Purchase of Nonexpendable Property/Equipment.* Executive Directors are authorized to purchase

property/equipment with a cost up to \$5,000.00 without prior approval of the Regional Director, subject to availability of funds and to the following conditions:

(1) Purchase of property/equipment with a cost up to \$1,000.00 may be made at the discretion of the Executive Director without competitive quotations.

(2) Purchases of property/equipment with a single item or cumulative cost from \$1,000.00 to \$5,000.00 may be processed on the basis of telephone quotations. Quotations shall be recorded and filed for audit purposes.

(3) For the purchase of property/equipment with a single item or cumulative cost exceeding \$5,000.00, the Executive Director must explain the need and obtain prior written approval for the expenditure from the appropriate Regional Director. After approval is received, written solicitations for bid shall be prepared and at least three written quotations obtained. Solicitations and quotations must be filed and maintained for audit purposes.

(4) It is recognized that, in some instances, certain items due to technical or quality requirements or the lack of dependable vendors must be purchased from a "sole source". When such a situation occurs, the solicitation of bids is waived but the circumstances must be well-documented and all relevant material filed for audit purposes. The Regional Director must be informed when a purchase exceeding \$5,000.00 will be made from a sole source.

(5) All purchases of nonexpendable property/equipment must be supported by a purchase order, vendors' invoice or other documentation.

c. *Property Acquisition.* It is essential to ensure that property is acquired through the most economical supply source, provided it will adequately perform the function for which it was intended. In the interest of economy and in order to conserve resources so that maximum funds are available to provide high quality legal assistance to the poor, offices should not be furnished extravagantly but with functional type furniture that will permit business to be conducted in a comfortable and professional manner. Procurement officers should diligently seek out and use minority and small business vendors whenever possible.

d. *Donated Property.* Receipt of this type of property shall be supported by documentation which reflects the name of the donor; donor restrictions, if any; the fair market value for each item; and the receipt date.

e. *Inventory Control.* In order to establish a sound and uniform inventory management control program for LSC

programs, the following procedures shall be implemented:

(1) A *permanent type* inventory control tag must be affixed to each item of nonexpendable property. The tags shall be consecutively numbered and each number accounted for.

(2) Each item of nonexpendable property must be recorded on a "Property Record Card." A separate line shall be used for each item. As an alternative a single record card may be used for each item. This would facilitate the organization of property records by location and it would simplify record-keeping when property is transferred or retired. A similar card may be used if it provides all of the information required on the illustrated "Property Record Card."

Note.—The completed card contains all of the essential information that is needed for accounting purposes as illustrated on page 80 of the pamphlet entitled "Accounting Model for Recipients."

The recorded information will facilitate the preparation of inventory reports when required for the internal use of the program.

f. Disposal of Nonexpendable Property. The Corporation retains final authority for the disposition of all nonexpendable property and equipment purchased with grant funds.

Approval must be obtained from the appropriate Regional Director or his designee for the disposal of nonexpendable property with an acquisition cost of over \$1,000.00. When an item of nonexpendable property becomes unserviceable, or surplus to the needs of a program, it shall be disposed of by one of the following methods:

(1) The property may be transferred to another LSC program or to a nonprofit program servicing the poor in the same community. When property is donated a letter of transfer which reflects a description of the property, serial number if appropriate, acquisition date and acquisition cost shall be furnished to the donee and a copy placed in the file for audit purposes.

(2) The property may be advertised and sold to the highest bidder.

(3) The property may be sold at the fair market value.

(4) Unserviceable property with no monetary value may be destroyed. A notation shall be made on the Property Record Card which explains the reason for disposing of the property and the disposition that was made. The Property Record Card will then be placed in the property inventory record disposal file. The inventory control tag should be removed from the item and destroyed.

Proceeds from the sale of property may be used for general program purposes or for the purchase of other property. All funds received from such sales must be deposited to the account of the program. However, proceeds received will not result in a permanent increase in the program's annualized funding requirements.

Under no circumstances will property be sold to an employee of the program or to a member of his/her family.

Harold Thomas,

Director of Administration, Legal Services Corporation.

[FR Doc. 79-11803 Filed 4-13-79; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL SCIENCE FOUNDATION

Ad Hoc Subcommittee for Review of SEAREX; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Ad Hoc Subcommittee for the Review of the Sea-Air Exchange (SEAREX) Project of the Advisory Committee for Ocean Sciences.

DATE AND TIME: May 1, 1979, 9 a.m. to 5:30 p.m.

PLACE: National Science Foundation, 1800 G Street, N.W., Room 643, Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. M. Grant Gross, Head, International Decade of Ocean Exploration Section, Room 605; National Science Foundation, Washington, D.C. 20550; telephone (202) 632-7356.

PURPOSE OF SUBCOMMITTEE: To provide additional expertise in the review and evaluation of proposals relating to oceanographic research in Sea-Air Exchange (SEAREX).

AGENDA: Detailed review and evaluation of proposals for support of the SEAREX Project.

REASON FOR CLOSING: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee

Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,

Acting Committee Management Officer.

April 11, 1979.

[FR Doc. 79-11774 Filed 4-13-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Atmospheric Sciences

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Atmospheric Sciences.

DATE: May 3 and 4, 1979.

TIME: 9:00 a.m.—5:00 p.m.

PLACE: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. Alan J. Grobecker, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone: (202) 634-1490.

SUMMARY OF MINUTES: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF COMMITTEE: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

AGENDA: May 3, 1979.

0900—Review of Minutes of February Meeting.

0910—Atmospheric science in the Division of Polar Programs.

0950—Atmospheric science in the Division of Astronomy.

1040—Atmospheric science in the Division of Ocean Sciences.

1120—Atmospheric science in the Division of Earth Sciences.

1200—Lunch.

1300—National Academy of Sciences Standing Committees Geophysics Research Board.

1325—CRB Mini-studies.

1350—Committee on Solar Terrestrial Research (CSTR).

1430—Committee on Data Interchange and Data Centers (CDIDC).

1455—Committee on Atmospheric Sciences (CAS).

1520—Climate Research Board (CRB).

1545—Committee on Global Atmospheric Research (GARP).

1700—Adjourn.

AGENDA: May 4, 1979.

- 0900—Issues Confronting NSF, Division of Atmospheric Sciences and the Advisory Committee for Atmospheric Sciences (ASAC).
- 1000—NSF/Division of Atmospheric Sciences Workshops, 1977 Paleoclimate.
- 1015—1977 Instrumentation for Synoptic Meteorology.
- 1045—1978 Incoherent Scatter Radar.
- 1100—1978 Atmospheric Chemistry.
- 1115—1977 GATE Workshop.
- 1130—Workshop Discussion.
- 1200—Lunch.
- 1300—NSF Mission and Goals.
- 1330—NSF Response to 1978 ASAC Report.
- 1400—AMS Proposal for Five Year Survey.
- 1430—NSF Program to Improve Geophysical Distribution of Funds.
- 1500—Other Business.
- 1530—Adjourn.

M. Rebecca Winkler,
Committee Management Coordinator.

April 11, 1979.

[FR 79-11771 Filed 4-13-79; 8:45 am]

BILLING CODE 7555-01-M

Amendment to Notice of Meeting of the Advisory Committee on Post-International Phase of Ocean Drilling Science

The above named committee will meet in Washington, D.C. on April 19. The notice of this meeting appeared in the **Federal Register** on Friday, March 30.

Please substitute the agenda portion of that notice (starting at 1 p.m.), the Reason For Closing, and the Authority to Close Meeting for the following:

1 p.m.—**OPEN DISCUSSION** of the two presentations given in the morning session.

2:30 p.m.—**CLOSED DISCUSSION** of a proposal under consideration for funding and of foreign participation.

4:30 p.m.—**ADJOURN**.

REASON FOR CLOSING: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal. Also, opening the meeting would tend to reveal negotiation strategies of NSF in this matter and with respect to foreign participation in the program. These matters are within exemptions (4) and (6) and 9(B)(2) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Director, NSF, pursuant to provisions of Section 10(d) of Pub. L. 92-463.

For further information concerning this meeting, please contact Dr. Peter E. Wilkniss at 632-4134.

M. Rebecca Winkler,
Committee Management Coordinator.

April 11, 1979.

[FR Doc. 79-11772 Filed 4-13-79; 8:45 am]

BILLING CODE 7555-01-M

Notice of Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of those advisory committees which held any closed or partially closed meetings in 1978. The reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and are available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. In addition, copies of the reports may be obtained by writing the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550. The names of the committees submitting reports are:

- Ad Hoc Advisory Group for Future Scientific Ocean Drilling.
- Advisory Committee for Astronomy.
- Advisory Committee for Behavioral and Neural Sciences.
- Advisory Committee for Chemistry.
- Advisory Committee for Earth Sciences.
- Advisory Committee for Engineering.
 - Subcommittee on Civil and Environmental Engineering.
 - Subcommittee on Electrical Sciences and Analysis.
 - Subcommittee on Engineering Chemistry and Energetics.
- Advisory Committee for Environmental Biology.
- Advisory Committee for Materials Research.
 - Subcommittee on Condensed Matter Sciences (2 reports).
 - Subcommittee on the Materials Research Laboratories.
- Advisory Committee for Mathematical and Computer Sciences.
 - Subcommittee for Computer Science.
 - Subcommittee for Mathematical Science.
- Advisory Committee for Ocean Sciences.
- Advisory Committee for Physics.
- Advisory Committee for Physiology, Cellular, and Molecular Biology.
- Advisory Committee for Applied Research (Applied Science and Research Applications).
- Advisory Committee for Polar Programs.
- Advisory Committee for Social Sciences.
- Alan T. Waterman Award Committee.
- Advisory Committee on Science and Society.

DOE/NSF Nuclear Science Advisory Committee.

M. Rebecca Winkler,
Committee Management Coordinator.

April 11, 1979.

[FR Doc. 79-11770 Filed 4-13-79; 8:45 am]

BILLING CODE 7555-01-M

Notice of Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress some reports which were prepared by various advisory committees of the NSF:

—Final Report of NSF Advisory Council Task Group Number 2, "Interaction Between NSF and the Public".

—Final Report of NSF Advisory Council Task Group Number 4, "Expanded Scientific Cooperation With Western Europe".

—Report of NSF Advisory Council Task Group Number 1, "Continued Viability of Universities as Centers for Basic Research".

—Report of the Advisory Committee for Physics on Nuclear Science.

—Report of the Advisory Committee for Physics on Atomic, Molecular, and Plasma Physics.

—Report of the Advisory Committee for Physics, "Contributions to the Job Problem in Physics".

—Report of the Ad Hoc Advisory Group for Future Scientific Ocean Drilling.

—Report of the Executive Committee of the Advisory Committee for Behavioral and Neural Sciences.

—DOE/NSF Nuclear Science Advisory Committee, "Recommendations for FY 1980 Facility Construction".

—Policy Research and Analysis Division, "Consequences of Constant Level of Effort and Budgeting—at 7% per year Inflation Rate".

—Condensed Minutes of the Ad Hoc Task Force Meeting on Technology Assessment.

These reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and are available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. A copy of the reports are also available for public inspection and use at the National Science Foundation.

Committee Management Office, Room 248, Washington, D.C.

M. Rebecca Winkler,
Committee Management Coordinator

April 11, 1979.

[FR Doc. 79-11773 Filed 4-13-79; 8:45 am]

BILLING CODE 7555-01-M

Executive Subcommittee of the Materials Research Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Executive Subcommittee of the Materials Research Advisory Committee.

PLACE: Room 643, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

DATE: Thursday, May 3, and Friday, May 4, 1979.

TIME: 9 a.m. until 5 p.m., both days.

TYPE OF MEETING: Open.

CONTACT PERSON: Ms. Marlene L. Wright, Secretary to the Division Director for Materials Research, National Science Foundation, Room 408, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: (202) 632-7412.

PURPOSE OF MEETING: To provide advice and recommendations concerning support of materials research.

SUMMARY MINUTES: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, National Science Foundation, Room 248, 1800 G Street, N.W., Washington, D.C. 20550.

AGENDA:

Thursday, May 3, 1979

9 a.m.—Introductory remarks, comments about the Mathematical and Physical Sciences, and Engineering Directorate, and overview of the Division of Materials Research.

10:45 a.m.—Coffee break.

11 a.m.—Brief reviews of Advisory Subcommittees for the three sections and the National Magnet Laboratory.

12 noon—Lunch.

1 p.m.—Discussions of major facilities supported by the Division.

4 p.m.—Long-range perspectives on the needs and opportunities in materials research.

5 p.m.—Adjourn.

Friday, May 4, 1979

9 a.m.—Discussion of criteria concerning other support received by principal investigators.

10 a.m.—Report on facilities (by task group on facilities).

12 noon—Lunch.

- 1 p.m.—Report on long-range perspectives (by task group on long-range perspectives).
- 2 p.m.—Additional topics suggested by previous subcommittee reports.
- 4 p.m.—Future agenda.
- 5 p.m.—Adjourn.

Dated: April 11, 1979.

M. Rebecca Winkler,
Committee Management Coordinator
[FR Doc. 79-11775 Filed 4-13-79; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.40, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated this day April 10, 1979 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Gerald G. Oplinger,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric, 04/03/79, 04/03/79, 3.65% Enriched Uranium XSNM01489.		29,526	796	Reload Fuel for Tokai 2 reactor.....	Japan.
Marubeni America Corp., 04/04/79, 04/04/ 2.97% Enriched Uranium 79, XSNM01490.		30,382	795	Reload fuel for Shimane Unit 1.....	Japan.
Transnuclear, Inc., 04/04/79, 04/04/79, 3.4% Enriched Uranium XSNM01491.		10,794	367	Reload fuel for Doel 1.....	Belgium.
U.K. Treasury & Supply, 03/14/79, 03/26/79, Depleted Uranium XU08455.		750		Research for the manufacture of pen- etrators.	United Kingdom.

[FR Doc. 79-11723 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 23 and 47 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the license and Technical Specifications for operation of the Brunswick Steam Electric Plant, Units 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendment for BSEP Unit No. 1 changes the Technical Specifications to establish revised safety and operating limits for operation in fuel Cycle No. 2.

The amendments for BSEP Unit Nos. 1 and 2 change the Technical Specifications to allow implementation of permanent modifications to the suppression pool-reactor building vacuum breaker lines. In addition these amendments change the operating licenses for both units to allow revised implementation dates for certain modifications intended to improve the level of fire protection.

The applications for amendments comply with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of the amendments.

For further details with respect to this action, see (1) the applications for amendments dated December 29, 1978, February 19, 1979, and March 6, 1979, as supplemented, (2) Amendment Nos. 23 and 47 to Licenses Nos. DPR-71 and DPR-62, (3) the Commission's related Safety Evaluation, and (4) Supplement 1 to the Fire Protection Safety Evaluation for Brunswick Steam Electric Plant, Unit Nos. 1 and 2. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 6th day of April 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket Nos. 50-325 and 50-324]

[FR Doc. 79-11724 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 22 and 46 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of their date of issuance.

The amendment for Brunswick Unit No. 1 revises the Technical Specifications to (1) modify the reactor water cleanup isolation setpoint, the standby gas treatment system actuation setpoint, and the setpoint for isolation of secondary containment from a reactor water level of plus 12.5 inches to minus 38 inches; and (2) deletes high drywell pressure as an isolation signal for the residual heat removal system. The amendment also changes the low pressure permissive setpoint for starting the Low Pressure Coolant Injection (RHR) pumps and Core Spray pumps, opening the injection valves and closing the recirculation pump discharge valves; and also corrects various errors and

inconsistencies made in applying the General Electric Boiling Water Reactor Standard Technical specifications and corrects editorial and typographical errors.

The amendment for Brunswick Unit No. 2 revises the Technical specifications to: (1) correct errors and inconsistencies made in applying the General Electric Boiling Water Reactor Standard Technical Specifications and (2) corrects editorial and typographical errors.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission had made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the applications for amendments dated April 26, 1977, June 22, 1977 and February 12, 1979, (2) Amendment Nos. 22 and 46 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of April 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket Nos. 50-325 and 50-324]

[FR Doc. 79-11725 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Commonwealth Edison Co., Dresden Nuclear Power Station, Unit 1; Request for Preparation of Environmental Impact Statement

Notice is hereby given that by petition of March 19, 1979, addressed to the Chairman of the Nuclear Regulatory Commission, among others, Kay Drey of University City, Missouri, requested that an Environmental Impact Statement be prepared on the proposed decontamination experiments at the Dresden Nuclear Power Station, located in Grundy County, Illinois, which are designed to flush radioactive corrosion products from portions of the facility's piping. The petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room for the Dresden Nuclear Power Station, located at Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland, this 9th day of April 1979.

For the Nuclear Regulatory Commission.

Roger S. Boyd,

Acting Director, Office of Nuclear Reactor Regulation.

[Docket No. 50-10]

[FR Doc. 79-11726 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Consumers Power Co. (Midland Plant, Units 1 and 2); Prehearing Conference

April 9, 1979.

Please take notice that a prehearing conference will be held in this proceeding on May 1, 1979 at 9:30 p.m., local time, at the Nuclear Regulatory Commission Hearing Room, located at 4350 East West Highway, 5th Floor, Bethesda, Maryland 20014.

The Licensing Board will consider and hear arguments from counsel concerning the motion for summary disposition filed by Consumers Power Company (Consumers) on March 30, 1979, as well as any responses thereto. The responses of the parties to the Order of January 4, 1979 will also be considered.

Pursuant to the provisions of 10 CFR § 2.752, the prehearing conference will also consider the specification of issues, discovery, identification of witnesses, the setting of a hearing schedule and such other matters as may aid in the orderly disposition of this proceeding.

It is so ordered.

Dated at Bethesda, Maryland this 9th day of April 1979.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,
Chairman.

[Docket Nos. 50-329CP; 50-330]

[FR Doc. 79-11727 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which amended the license and its appended Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment adds license conditions relating to the completion of facility modifications for fire protection and the implementation of administrative controls, and modifies the Technical Specifications to require additional fire hose stations to be operable in the machine shop, condensate pump area, and core spray pump room.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated March 29, 1977, July 18, 1977, September 29, 1977, June 19, 1978, June 29, 1978, July 14, 1978, October 6, 1978, December 8, 1978, January 17, 1979, February 12, 1979, March 1, 1979, and March 15, 1979, (2) Amendment No. 25 to License No. DPR-6, including the

Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this, 4th day of April, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[Docket No. 50-155]

[FR Doc. 79-11728 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment deletes reference to respiratory protection equipment since this item is now covered by 10 CFR 20.103 of Part 20 of the Commission's regulations.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letters

to Sacramento Municipal Utility District dated July 28, 1977 and June 13 and November 20, 1978 and the licensee's letters to the Commission dated February 2 and July 28, 1978, (2) Amendment No. 28 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of April 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[Docket No. 50-312]

[FR Doc. 79-11729 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Study of Nuclear Power Plant Construction During Adjudication; Meetings

The Nuclear Regulatory Commission's advisory committee on nuclear power plant construction during adjudication held its fifth meeting on Friday, April 6, 1979, at NRC Headquarters, 1717 H Street, N.W., Washington, DC, 20555. At that meeting the group approved its interim report for submission to the Commission. The group's sixth meeting will be held on Wednesday, April 18, 1979, at NRC Headquarters, immediately after the conclusion of the group's briefing of the Commission on its interim report. At the meeting the group will discuss the guidance it expects to receive from the Commission during that prior briefing. As previously announced, the group's seventh meeting will be held Friday, May 4, 1979. It will be held in Room 415, East West Towers, on 4350 East West Highway in Bethesda, Maryland.

Members of the public are invited to attend the group's meetings and there will be a limited amount of time available during each meeting for members of the public to make oral statements to the study group. Written comments, addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington,

DC, 20555, Attention: Docketing and Service Branch, will be accepted for one week after each meeting. The Chairman of the study group is empowered to conduct the meetings in a manner that, in his judgment, will facilitate the group's work, including, if necessary, continuing or rescheduling meetings to another day.

A file of documents relevant to the group's work, including a complete transcript of each meeting, memoranda exchanged between group members, public comments and other documents, is available for inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC, 20555. The Secretary of the NRC maintains a mailing list for persons interested in receiving notices of the group's meetings and actions. Anyone wishing to be on that list should write to: Secretary of the Commission, Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch.

The study group will provide its final report to the Commission by November 1, 1979. For further information on the study group's mission, please call Stephen S. Ostrach, Office of the General Counsel, Nuclear Regulatory Commission, (202) 634-3224.

Dated at Washington, DC, this 10th day of April, 1979.

Gary Milhollin,
Chairman.

[FR Doc. 79-11732 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

Texas Utilities Generating Co., et al.; (Comanche Peak Steam Electric Station, Units 1 and 2); Order Relative To a Conference To Consider Petitions To Intervene

On February 5, 1979, the Nuclear Regulatory Commission issued a notice of "Availability of Applicants' Environmental Report, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing" in the *Federal Register* (44 FR 6995). The notice stated that a petition for leave to intervene must be filed by March 5, 1979. Petitions were received from the State of Texas for participation as an interested state, Citizens Association for Sound Energy (CASE), Citizens for Fair Utility Regulation (CFUR), and the Texas Association of Community Organizations for Reform Now/West Texas Legal Services (ACORN/WTLS).

On March 15, 1979, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to

preside over the proceeding in the event a hearing is ordered (44 FR 15813).

The Board will hold a conference to consider the petitions commencing at 9:00 a.m. (local time) on May 22, 1979, in a courtroom in the Glen Rose County Courthouse, On the Square at Benard Street, Glen Rose, Texas. If the conference is not concluded on May 22, it will be continued the following day.

The public is invited to attend. No limited appearance statements will be accepted at this proceeding.

It is so ordered.

Dated at Bethesda, Maryland this 9th day of April 1979.

For the Atomic Safety and Licensing Board for the Review of Petitions

Elizabeth S. Bowers,
Chairman.

[Docket Nos. 50-445 and 50-446]

[FR Doc. 79-11730 Filed 4-13-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

Notice of Open Meeting

In accordance with Subsection 10(a) of the Federal Advisory Committee Act, Pub. 92-463, the National Transportation Policy Study Commission announces the following meeting:

NAME: Meeting of the NTPSC Commissioners.

DATES: April 25 and 26, 1979.

TIME: 9 a.m. to 5 p.m.

PLACE: 2167 Rayburn House Office Building, Washington, D.C. 20515.

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. Joseph LaSala, National Transportation Policy Study Commission, 2000 M St. NW, Suite 3000, Washington, D.C. 20036, 202-254-7453.

Purpose of the Commission: The National Transportation Policy Study Commission was established under Section 154 of the Federal Aid Highway Act of 1976 (Pub. L. 94-280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative Agenda: Approval of Final Report.

Dated: April 10, 1979.

Edward R. Hamberger,
General Counsel.

[FR Doc. 79-11788 Filed 4-13-79; 8:45 am]

BILLING CODE 6820-36-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list

should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202

New forms

Rural Electrification Administration
Typical monthly bills for electric service
Annually
REA electric borrowers; 928 responses,
696 hours
Charles A. Ellett, 395-5080

Revisions

Soil Conservation Service
*Conservation plan of operations
SCS-CO-11, 11A & 12
On occasion
Commercial farmer; 24,000 responses,
12,000 hours
Charles A. Ellett, 395-5080

Extensions

Rural Electrification Administration
*Application for rural telephone loan
REA 490
On occasion
REA telephone borrowers; 300
responses, 150 hours
Charles A. Ellett, 395-5080
Soil Conservation Service
Crop production response to
conservation treatment
SCS-CONS-1
On occasion
Commercial farmer, 3,000 responses,
6,000 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—Albert H. Linden—566-9021

New forms

*Emergency Gasoline Telephone Survey
EIA-147

Other (See SF-83)

Retail gasoline service stations; 84,000
responses, 4,200 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter
Gness—245-7488

New forms

Alcohol, Drug Abuse and Mental Health
Administration
Client data reporting system
Single time
Mental health facilities; 100 responses,
325 hours
Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M.
Oliver—523-6341

Extensions

Labor Management and Service
Administration
*Surety company annual report
LMSA S-1
Annually
Surety companies issuing bonds under
the LMRDA; 250 responses, 125 hours
Arnold Strasser, 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H.
Allen—426-1887

New forms

Federal Aviation Administration
Land Acquisition and Relocation
Assistance Under the Airport
Development Aid Program
SF-262, 263, 264, 265, 266, & 267
On occasion
Airport owners; 2,980 responses, 2,380
hours
Susan B. Geiger, 395-5867

Extensions

Federal Highway Administration
Federal-aid highway construction
contractor's annual
EEO report
PR-1391
Annually
State highway agencies—Highway
construction contractors; 3,700
responses, 130,000 hours
Susan B. Geiger, 395-5867

ACTION

Agency Clearance Officer—W. D.
Baldridge—254-8028

New forms

RSVP Project Evaluation
Single time

Project staff, advisory council, station
supervisor; 1,488 responses, 744 hours
Barbara F. Young, 395-6132

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F.
Gilmore—566-1164

New forms

Agency Information Security Program
Data
SF-311 (Test)
Single time
Federal agencies
Office of Federal Statistical Policy and
Standard, 673-7974

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—W. V.
Radesk—312-751-4690

Extensions

*Request for information about
employer employer pension plans
G-88R
On occasion
Railroad employers; 24 responses, 2
hours
Barbara F. Young, 395-6132
*Notice of payment of separation
allowance
UI-13
On occasion
Railroad employers; 1,500 responses, 375
hours
Barbara F. Young, 395-6132

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Re-
ports Management.

[FR Doc. 79-11785 Filed 4-13-79; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The fifth meeting of the Presidential
Commission on World Hunger will be
held on Tuesday, May 1, 1979, in Room
2010 of the New Executive Office
Building, 726 Jackson Place, N.W.,
Washington, D.C. The meeting will
begin at 9:30 a.m. and conclude at
approximately 4:30 p.m.

The agenda for the meeting will be
concerned with the format and content
of the Commission's Report.

The meeting will be open to
observation for the public to the extent
space is available. Reservations are
required and requests should be
addressed to the Presidential
Commission on World Hunger, 734
Jackson Place, N.W., Washington, D.C.

20006. Reservations will be honored on the basis of the earliest postmarks.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-11865 Filed 4-13-79; 8:45 am]

BILLING CODE 6820-97-M

SECURITIES AND EXCHANGE COMMISSION

American Stock Exchange, Inc., Order Approving Proposed Rule Change

April 9, 1979.

In the Matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York.

On October 2, 1978, the American Stock Exchange, Inc. ("Amex") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Amex Rules 462 and 471 governing margin requirements on shelf-registered, control and restricted securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15486A, February 1, 1979) and by publication in the *Federal Register* (44 FR 3797, January 18, 1979). No written comments with respect to the proposed rule change have been received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to Section 19 (b) (2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

By the Commission.

George A. Fitzsimmons,
Secretary.

[Release No. 15708, (SR-Amex-78-25)]

[FR Doc. 79-11717 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange; Order Approving Proposed Rule Change

April 9, 1979.

In the Matter of Boston Stock Exchange, 53 State Street, Boston, Massachusetts 02109.

On April 13, 1977, the Boston Stock Exchange, Inc. ("BSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which incorporates the provisions of SEC Rule 15c3-1 (17 CFR 240.15c3-1)—Net Capital Requirements for Brokers and Dealers.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34-15229, October 12, 1978) and by publication in the *Federal Register* (43 FR 49376, October 23, 1978). No written comments with respect to the proposed rule change have been received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Sections 6, 15A, and 15(e) and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

By the Commission.

George A. Fitzsimmons,
Secretary.

[Release No. 15707, (SR-BSE-78-13)]

[FR Doc. 79-11719 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

Columbia Gas System, Inc., Proposed Issue and Sale of Debentures at Competitive Bidding

April 6, 1979.

In the Matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the

following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$75,000,000 principal amount of—percent debentures due May 2004. The interest rate of the debentures (which shall be a multiple of 1/8th of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98 1/2 percent nor more than 101 1/2 percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a Twenty-Sixth Supplemental Indenture to be dated as of May 1, 1979.

The supplemental indenture will prohibit redemption of any of the debentures prior to May 1, 1984, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be the subject to a sinking fund providing for retirement of \$71,250,000 (95 percent) thereof prior to maturity through annual payments of \$3,750,000 commencing in 1985. Columbia will also have the noncumulative option to redeem on any sinking fund day, at the then current sinking fund redemption price, up to an additional \$5,625,000 principal amount of the debentures.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and, together with other funds then available and funds thereafter to be generated from operations, will be used by Columbia to finance, among other things, the remainder of the 1979 capital expenditures program of Columbia's subsidiary companies, which involves expenditures of approximately \$360,000,000. The capital expenditures program includes approximately \$155,000,000 associated with additions and improvements to the properties of the Columbia system necessary to explore for, produce, receive, transport, store and distribute the quantities of gas required by the system's customers, as well as \$205,000,000 associated with projects for improving the system's gas supply.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions and expenses related to the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than May 3, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 20990, (70-6286)]

[FR Doc. 79-11716 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

General Public Utilities Corp.; Proposed Increase in Short-Term Debt Authorization

April 10, 1979.

In the matter of General Public Utilities Corporation, 260 Cherry Hill Road, Parsippany, New Jersey 07054.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction.

All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By orders dated December 29, 1977 and December 29, 1978 (HCAR Nos. 20346 and 20859), GPU was authorized until December 31, 1978 and December 31, 1979, respectively, to issue and renew its unsecured promissory notes to various commercial banks provided that the aggregate principal amount of such indebtedness outstanding at any one time should not exceed \$71,000,000.

By post-effective amendment GPU requests that said \$71,000,000 short-term borrowing authorization be increased to an amount not to exceed \$150,000,000.

Each note to be issued will bear interest at a rate not exceeding the lending bank's prime rate, will mature not more than nine months from the date of issue and will be prepayable at any time without premium. It is anticipated that the banks from which borrowings will be made will require compensating balances at levels generally approximating 10% of the line of credit or 20% of the aggregate amounts borrowed and a prime rate of 11.75%, in which case the effective interest cost would be 14.69%.

GPU proposes to use the proceeds of the short-term borrowings for investment in its operating subsidiaries or for reimbursement of its treasury for expenditures made therefrom for that purpose.

The additional fees and expenses to be incurred in connection with the proposed transaction will be supplied by further amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 3, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date

the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Rel. No. 21003, (70-6099)]

[FR Doc. 79-11716 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

Massachusetts Mutual Life Insurance Co. and MassMutual Corporate Investors, Inc.; Notice of Filing of Application for Order Pursuant to Section 17(d) of the Act and Rule 17d- 1 Thereunder.

April 10, 1979.

In the matter of Massachusetts Mutual Life Insurance Company and MassMutual Corporate Investors, Inc., 1295 State Street, Springfield, Massachusetts 01111.

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Insured Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act") as a non-diversified, closed-end, management investment company (hereinafter, the Insurance Company and the Fund are collectively referred to as "Applicants"), filed an application on January 19, 1979, and an amendment thereto on March 16, 1979, for an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting the Insurance Company to purchase \$3,000,000 in principal amount of a new issue of 10-% Senior Notes of Compo Industries, Inc. ("Compo"), due 1994. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690) (the "Order"), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights with respect to such securities at the same time as the Fund. The Order is subject to several conditions, one of which provides that once the Insurance Company and the Fund have acquired interests in an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

The application states that the Insurance Company has been offered for purchase at direct placement (through Wertheim & Co. as intermediary) \$3,000,000 in principal amount of 10-5/8% Senior Notes of Compo due 1994 (the "Notes"). The application further states that the proposed purchase will be part of a total Compo issue in aggregate principal amount of \$15,000,000, and that at the present time it is expected that the remaining \$12,000,000 in principal amount of the issue will be placed with the Prudential Insurance Company of America. Applicants state that Compo has represented to the Insurance Company that it intends to utilize the proceeds from the sale of the Notes to refinance approximately \$13,000,000 in existing short-term and long-term indebtedness, and to utilize the balance of the proceeds as working capital.

Applicants further state that the Insurance Company and the Fund each currently hold (i) \$720,000 in principal amount of Compo 9-1/2% Subordinated Notes due 1985 (originally denominated due 1988, but payable in 1985 through the operation of a sinking fund), and (ii) \$400,000 in principal amount of Compo 9-1/2% Convertible Subordinated Notes due 1988 (together, these two types of notes are referred to as the "Jointly-Held Notes"). Applicants state that the Jointly-Held Notes were originally obligations of Pandel-Bradford, Inc. ("PBI"), a company which was merged into Compo in 1977. According to the application, the PBI obligations were issued to the Insurance Company and the Fund in 1973, and Applicants each purchased (i) \$1,100,000 in principal amount of PBI 8-1/2% Subordinated Notes due 1985 and (ii) \$400,000 in principal amount of PBI 8-1/2%

Subordinated Convertible Notes due 1988. The application states that the PBI obligations were exchanged by Applicants for the Jointly-Held Notes, and that each Applicant received identical and equal principal amounts of the Jointly-Held Notes. Applicants state that the Compo 9-1/2% Convertible Subordinated Notes are presently convertible into shares of common stock of Compo at \$6.09 per share, and that, as of January 17, 1979, the Amex-Composite closing price for a share of Compo common stock was \$11. Applicants further state that, to the knowledge of the Insurance Company, neither the Insurance Company (or any affiliate of the Insurance Company), nor the Fund (or any affiliate of the Fund) owns any securities of Compo or any affiliate of Compo, other than the Jointly-Held Notes.

Applicants state that, once they have acquired interests in an issuer pursuant to the Order, one condition of the Order prohibits the Insurance Company and the Fund, unless otherwise permitted by order of the Commission, from acquiring any further interest in such issuer other than interests in all respects identical. Thus, Applicants assert that the proposed purchase by the Insurance Company of the Notes would not be permitted, absent further order of the Commission.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants state that the proposed investment by the Insurance Company in the Notes would not be less advantageous to the Fund than to the Insurance Company, and that such investment would be consistent with the provisions, policies and purposes of the Act. The application states: (i) that the Fund's investment policy specifies that the principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, purchased directly from the issuers, if

such obligations of preferred stocks have equity features such as accompanying shares of common stock or rights to acquire, or to convert such obligations or preferred stocks into, such shares; (ii) that since the Notes do not have accompanying equity features, they would not be an investment permitted by the investment policies of the Fund; and (iii) that the absence of any equity features accompanying the Notes can be attributed to the fact that Compo currently has a much stronger financial condition than did PBI in 1973. Applicants state that at the time of purchase of the Jointly-Held Notes the Insurance Company did not contemplate any investment in the Notes, and that the purchase of the Jointly-Held Notes was not tied to or induced by any discussions with respect to the purchase and sale of the Notes or any similar securities. Applicants further state that there is no connection between the purchase of the Jointly-Held Notes and the proposed issuance and sale of the Notes to the Insurance Company other than the fact that the Insurance Company established a relationship with Compo in 1977, when PBI was merged into Compo.

According to the application, the Insurance Company has paid all fees and expenses in connection with the application, and if any future application to enable the Fund to convert any of its Jointly-Held Notes is made necessary by the Insurance Company's purchase of the Notes, the Insurance Company will pay all fees and expenses associated with such applications.

Applicants state that the Notes will be used to refinance existing indebtedness of Compo which is senior to the Jointly-Held Notes, and that the Notes have the effect of extending the maturing of such senior debt beyond the maturity of the Jointly-Held Notes. Applicants assert that such extension of the maturity of senior debt is beneficial to the Fund. The interest rate payable on the senior debt will, in part, be lowered, as a result of the refinancing accomplished by the issuance of the Notes. In the opinion of the Investment Company, this will have the effect of improving Compo's earnings, and making the Compo 9-1/2% Convertible Subordinated Notes more attractive.

The application states that in the judgment of the Insurance Company, the Notes would be an attractive investment which it would like to acquire, and that the purpose of this application is to avoid the disadvantage to the Insurance Company that would result if it is not permitted to acquire the Notes.

According to the application, the Fund's board of directors considered the matter, determining, *inter alia*, that the issuance of the Notes will be beneficial to the Fund, and that the Fund does not require a participation in the Notes.

Notice is further given that any interested person may, not later than April 30, 1979, at 10:00 a.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons
Secretary.

[Release No. 10656, (812-4446)]

[FR Doc. 79-11721 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

Proposal by Gas Utility Subsidiary of a Registered Public Utility Holding Company To Acquire and Merge With a Nonaffiliated Gas Utility Company

April 6, 1979.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The Peoples Natural Gas Company ("Peoples"), a wholly owned gas utility subsidiary of Consolidated's, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9, 10 and 12 of the Act and Rules 43 and 50 promulgated thereunder as

applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated is engaged solely in the business of owning and holding all of the outstanding securities, with the exception of long-term debt totaling \$3,905,000 at September 30, 1978, of eight companies engaged in the natural gas business, a coal company, a research company and a subsidiary service company.

Peoples, a Pennsylvania corporation, owns and operates a distribution system that serves more than 307,000 residential, commercial and industrial customers in Pittsburgh, Altoona, Johnstown and other communities in Western Pennsylvania.

Saxonburg Heat and Light Company ("Saxonburg") a Pennsylvania corporation and non-affiliated company, is, like Peoples, a "gas utility company" within the meaning of Section 2(a)(4) of the Act. Saxonburg owns and operates a natural gas distribution system consisting of some 79 miles of pipeline. In 1977, it sold approximately 400,000 Mcf of gas to some 1,758 residential, commercial and industrial customers in Butler County and a small corner of Armstrong County, in Western Pennsylvania. Saxonburg's and Peoples' service areas are contiguous, and their respective pipelines intersect in several locations.

Saxonburg purchases gas from T.W. Phillips Gas Company, a natural gas producer with a utility service area just north of Saxonburg's, from Loudon Properties and from area independent producers. Saxonburg also produces a small quantity of gas from twenty-nine wells which it owns and operates or in which it has an interest. Its supply contract with Phillips is terminable at will and that with Loudon expires on January 26, 1980.

Consolidated and Peoples expect shortly to enter into an Agreement and Plan of Reorganization ("Plan") with Saxonburg. As of the same date, Peoples and Saxonburg will enter into a Plan and Agreement and Merger ("Merger Agreement"). The Plan will be signed by each of Saxonburg's eleven stockholders, thereby signaling their unanimous approval of the proposed transactions. Under the terms of the Plan and the Merger Agreement, subject to prerequisite rulings and regulatory approvals, Saxonburg will be acquired and merged into Peoples, the surviving corporation, in a tax-free reorganization.

Pursuant to the Plan and the Merger Agreement, Consolidated will deliver to

Peoples such number of shares of its authorized but unissued common stock as shall, in the aggregate, equal \$400,000. Peoples, in turn, will: (i) deliver such shares to the Saxonburg stockholders in exchange for their shares of Saxonburg common stock, the sole class of Saxonburg stock outstanding, which will be cancelled, and (ii) deliver to Consolidated 4,000 shares of its own common stock, \$100 par value, in consideration for the Consolidated stock. The number of shares of Consolidated stock to be delivered will be determined by the per share closing price of said Stock on the New York Stock Exchange Consolidated Tape at the close of business on the 15th business day prior to the closing date specified in the Plan, which will be the later of April 3, 1979 or the 15th business day after the day on which all necessary regulatory approvals shall have been issued and become final. Based on the closing price per share of Consolidated common stock on February 2, 1979 (38-3/8), Consolidated would be required to deliver 10,423.45 shares. No fractional shares will be issued, and adjustment for any fractional shares will be made in cash. Simultaneous with the delivery of the Consolidated stock, Saxonburg will be merged into Peoples, Peoples being the surviving corporation.

It is stated that the Saxonburg operating area has a considerable growth potential. Such growth will, in turn, necessitate substantial capital investment. Thus, the merger of Saxonburg into Peoples will open to Saxonburg's customers the considerable financial resources of the Consolidated System, together with Peoples' personnel who are already familiar with Saxonburg's operations inasmuch as both companies serve the same geographic and economic area. In addition, Saxonburg's customers will benefit from the Consolidated System's extensive storage facilities, as well as programs for pipeline safety and quality control. Continued local management will be assured, as Peoples already maintains a division office within a few miles of Saxonburg. Economies will be achieved through the elimination of the Saxonburg offices and coordination of operations with Peoples'. The Saxonburg and Peoples pipeline systems, as noted above, intersect in several locations, and interconnections can be accomplished at minimal cost.

Saxonburg currently has seven full-time employees who will be offered employment with Peoples and enjoy the same benefits and salary scale as Peoples' employees.

Accordingly, it is stated that the proposed merger of Saxonburg into Peoples will serve the public interest by tending toward the "economical and efficient development of an integrated public utility system" as that term is defined in Section 2(a)(29)(B) of the Act.

The applicants-declarants have therefore requested authorization to engage in the transactions described above, including (i) the issuance by Peoples to Consolidated of 4,000 shares of its capital stock, \$100 par value, and (ii) the issuance by Consolidated for delivery to the stockholders of Saxonburg a maximum of 12,000 shares of its common stock, \$8 par value, (assuming a price per share of 33-1/3).

The fees, commissions and expenses to be incurred by Consolidated in connection with the proposed transaction are estimated at \$11,350, including a \$7,500 service charge of Consolidated Natural Gas Service Company for services performed at cost. The fees, commissions and expenses to be incurred by Peoples in connection with the proposed transaction are estimated at \$15,100, including legal fees of \$15,000. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the merger of Saxonburg into Peoples, the issuance of Peoples' common stock to Saxonburg and Peoples' takeover of gas service to consumers in the areas presently chartered and franchised to Saxonburg. It is further stated that no other state or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a)

and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 21000, (70-6288)]

[FR Doc. 79-11720 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

West Texas Utilities Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

April 10, 1979.

In the Matter of West Texas Utilities Company, 1062 North Third Street, Abilene, Texas 79604.

Notice is hereby given that West Texas Utilities Company ("WTU"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

WTU proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 of the Act, \$25,000,000 principal amount of its First Mortgage Bonds Series I (the "Bonds"), to be dated May 1, 1979, and to mature May 1, 2009. The annual interest rate, which shall be a multiple of 1/8 of 1% and the price to be paid to WTU therefor, which will be not less than 99%, nor

more than 102.75% of the principal amount of the Bonds, will be determined through competitive bidding.

The proceeds to be derived by WTU from the sale of the Bonds (exclusive of accrued interest and after deducting expenses of issue) will be used by WTU towards future construction expenditures and to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures and a \$15,000,000 extraordinary dividend to Central and South West Corporation as set forth in a declaration filed with this Commission (File No. 70-6281). Approximately \$23,000,000 of short-term borrowings are expected to be outstanding as of May 15, 1979, the proposed date for the issuance of the Bonds.

None of the proceeds from the sale of the Bonds shall be utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of any of the operating companies if such operating company were not part of the CSW System, nor will any expenditures be made by any of the operating companies for the construction or acquisition of any facility not so needed prior to the time all funds covered by this declaration have been expended. For the purposes of foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the Central and South West System.

Estimated construction expenditures for WTU for 1979 through 1981 are as follows:

(In Thousands)				
	1979	1980	1981	Total
Generation	\$2,498	\$3,792	\$5,579	\$11,829
Distribution and Other	13,041	17,021	16,560	46,622
Transmission	3,175	8,090	25,858	36,923
Fuel exploration and development	1,522	1,667	3,226	6,415
Total	20,196	30,570	51,023	101,789

The Bonds will enjoy refunding protection until May 1, 1984, and will be subject to an annual 1% sinking fund requirement beginning in 1980. The Bonds will be issued under and secured by WTU's Mortgage, dated August 1, 1943, to Harris Trust and Savings Bank and Harold Eckhart, as Trustees, as amended by the indentures supplemental previously executed and be further amended by a proposed Supplemental Indenture to be dated May 1, 1979, (the "Supplemental Indenture").

The previous supplemental indentures of WTU, required that amounts spent for maintenance and repairs, along with expenditures for construction and retirement of outstanding bonds, aggregate not less than 15% of the gross operating revenues derived during each calendar year.

The proposed Supplemental Indenture would:

(1) Delete the aggregate 15% expenditures test for the maintenance and repairs, construction and retirement of bonds, and

(2) Delete allowance for maintenance and repair costs to be credited towards the required 15% revenue.

It is stated that for many years the 15% revenue was a reasonable approximation of maintenance, repair and renewal expenses, but in recent years it has resulted in expanded revenues far in excess of the amounts intended for the specified purpose. The practical effects of this discrepancy has been:

(1) To commit a significant part of property additions to satisfaction of excess requirements, and

(2) To inflate the amount of restricted retained earnings and to imbalance the capital structure.

WTU herein proposes that the 15% revenue be replaced with the requirements that there be deducted "as charges or provisions for depreciation, retirements, renewals and replacements and/or amortization", amounts aggregating a "required percentage" set at 2.9% of depreciable property.

The Supplemental Indenture would, in a like manner, delete the 15% revenue in its section relating to the satisfaction of the renewal fund covenant. It would be replaced by the 2.9% depreciable property based deduction.

WTU states that since the Indenture lacks bondholder consent provisions with respect to series created prior to July 1, 1973, the deletions and changes stated above on earnings coverage and renewal fund computations would not be made effective until July 1, 2003, when all bonds created prior to the

execution of this Supplemental Indenture shall have been cancelled, paid, redeemed or otherwise discharged.

The proposed Supplemental Indenture also provides that, in the computation of available retained earnings in future periods while the Bonds are outstanding, there be deducted an annual provision for depreciation, at least equal to 2.9% of depreciable property. This deletes the requirement stated in the Fourth Supplemental Indenture, dated January 1, 1958, that expenditures for construction or retirement of bonds be based on the greater of the 15% revenue or the arithmetical average of the amount of depreciable property. The reasons for this change are similar to those mentioned above with regards to earnings coverage and renewal fund computations. This change would, however, become effective after April 30, 1979.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$110,000, including \$22,000 in legal fees.

Notice is further given that any interested person may, not later than May 3, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Rel. No. 21004, (70-6286)]

[FR Doc. 79-11722 Filed 4-13-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

California; Declaration of Disaster Loan Area

The area of Crescent Street and Metropol Avenue in the City of Avalon, on the Island of Santa Catalina located about 35 miles off the California Coastline, constitutes a disaster area because of damage resulting from a fire which occurred on March 4, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 8, 1979, and for economic injury until the close of business on January 9, 1980 at: Small Business Administration, District Office, 350 S. Figueroa St., 6th Floor, Los Angeles, California 90071, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 9, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area #1809]

[FR Doc. 79-11760 Filed 4-13-79; 8:45 am]

BILLING CODE 8025-01-M

Nebraska; Declaration of Disaster Loan Area

The area of Burlington Avenue on the West; Fourth Street on the North; St. Joseph Avenue on the East; and south Street on the South in the City of Hastings, Adams County, Nebraska, constitute a disaster area because of damage resulting from a gas explosion and fire which occurred on February 10, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 8, 1979, and for economic injury until the close of business on January 9, 1980, at: Small Business Administration, District Office, Empire State Bldg., 19th and Farnam Street, Omaha, Nebraska 68102, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 9, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area #1610]
[FR Doc. 79-11759 Filed 4-13-79; 8:45 am]
BILLING CODE 8025-01-M

Region II Advisory Council; Change in Meeting Place of Scheduled Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Syracuse, New York, has changed the place for its public meeting to be held on Friday April 27, 1979, at 9:00 a.m. The meeting is now scheduled to be held at the Winter's Tale Restaurant, located in the Mark Twain Building at Main and Gray Streets, Elmira, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, 1071 Federal Building, 100 South Clinton Street, Syracuse, New York 13260—(315)423-5371.

Dated: April 10, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.
[FR Doc. 79-11761 Filed 4-13-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting the following list of U.S. Delegations accredited during the month of March, 1979, which included private-sector representatives.

Publication of this list is required by Article IV (c) (4) of the guidelines published in the *Federal Register* on August 24, 1978.

April 3, 1979.

Paul J. Byrnes,
Director, Office of International Conferences.

United States Delegation to the Thirty-Fifth Session of the Commission on Human Rights of the United Nations Economic and Social Council (ECOSOC), Geneva, February 12-March 16, 1979

Representative

The Honorable, Edward M. Mezvinsky,
United States Representative to the
Commission on Human Rights of the

United Nations Economic and Social Council.

Alternate Representatives

Warren E. Hewitt, Director, Office of Human Rights Affairs, Bureau of International Organization Affairs, Department of State.

The Honorable William vanden Heuvel,
United States Representative to the
European Office of the United
Nations, Geneva.

Congressional Adviser

The Honorable John Buchanan, United States House of Representatives.

Congressional Staff Advisers

Esther Kurz, Congressional Staff Adviser to the Helsinki Committee, United States House of Representatives.

Janean Mann, Helsinki Committee Staff, United States House of Representatives.

Spencer Oliver, Staff Director of the Helsinki Committee, United States House of Representatives.

Advisers

Roberta Cohen, Bureau of Human Rights and Humanitarian Affairs, Department of State.

George Dalley, Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State.

Michael P. Hoyt, United States Mission, Geneva.

Alan J. Kreczko, Office of Legal Adviser, Department of State.

Lois J. Matteson, United States Mission to the United Nations.

Set Momjian, Executive, Ford Motor Company.

Mark L. Schneider, Deputy Assistant Secretary for Human Rights and Humanitarian Affairs, Department of State.

Csanad Toth, Special Assistant, Bureau of International Organization Affairs, Department of State.

Private Sector Adviser

Achilles N. Sakell, Public Affairs Adviser, Washington, D.C.

United States Delegation to the Fifteenth Meeting of the North Atlantic Systems Planning Group International Civil Aviation Organization (ICAO), Paris, February 19 to March 2, 1979

Representative

John Matt, North Atlantic Systems Planning Officer, Office of International Aviation Affairs, Federal Aviation Administration, Department of Transportation.

Advisers

Allen C. Busch, Chief, Analysis Branch, Simulation and Analysis Division, National Aviation Facilities Experimental Center, Federal Aviation Administration, Department of Transportation.

Jerald M. Davis, Flight Standard Service, Federal Aviation Administration, Department of Transportation.

Frederick A. Moore, Chief, International Operations and Procedures Branch, Air Traffic Service, Federal Aviation Administration, Department of Transportation.

Sam F. Smith, Airspace Management Section, Air Traffic Services and Airspace Management Division, Directorate of Operations and Readiness Headquarters, United States Air Force.

Private Sector Adviser

Peter Dupret, Manager, Operations, Regulations and Standards, Air Transport Association of America.

United States Delegation to the Intergovernmental Preparatory Group on a Convention on International Multimodal Transport, United Nations Conference on Trade and Developments (UNCTAD), Geneva, February 21-March 9, 1979

Representative

William J. Driscoll, Chief Counsel, Research and Special Programs Administration, Department of Transportation.

Alternate Representative

Paul B. Larsen, Office of the General Counsel, Department of Transportation.

Advisers

Peter R. Keller, United States Mission, Geneva.

William Johnson, Industry and Trade Administration, Department of Commerce.

William C. Wilkins, U.S. Customs Service, Department of the Treasury.

Private Sector Adviser

W. Patrick Morris, American Maritime Council, Washington, D.C.

United States Delegation to the Twenty-Six Session Commission for Social Development of the United Nations Economic and Social Council, New York, February 20-March 9, 1979

Representative

The Honorable Ruth Schacter Morgenthau, United States Representative to the Commission for Social Development of the Economic and Social Council.

Alternate Representative

Robert I. Randolph, Office of Development and Humanitarian Programs, International Organization Affairs, Department of State.

Advisers

David Cardwell, United States Mission to the United Nations.
Gerry Turem, Director of Office of Plans, Measures and Evaluation, Department of Health, Education, and Welfare.

Private Sector Advisers

Robert Harris, Vice President, the Urban Institute, Washington, D.C.
Dorothy Marshall, Commonwealth Professor, University of Massachusetts.

United States Delegation to the United Nations Conference on an International Code of Conduct for the Transfer of Technology (Resumed Session), United Nations Conference on Trade and Development (UNCTAD), Geneva, February 26-March 9, 1979

Representative

Alvin P. Adams, Deputy Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State.

Alternate Representative

George Lehner, Office of the Legal Adviser, Department of State.

Advisers

Edith Bruce, United States Mission, Geneva.
John D. Caswell, Office of International Economic Policy, Bureau of International Organization Affairs, Department of State.
Joel Davidow, Office of Policy Planning, Antitrust Division, Department of Justice.
Dieter Hoinkes, International Patent Expert, United States Patent Office, Department of Commerce.
Richard Shepard, Assistant General Counsel, Department of Commerce.

Private Sector Adviser

Lawrence Pearson, Council of the Americas, New York, New York.

United States Delegation to the Twentieth Session of the Subcommittee on Containers and Cargoes, Intergovernmental Maritime Consultative Organization (IMCO), London, March 5-9, 1979

Representative: Edward H. Middleton, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers: H. Clay Black, Shipping Attache, American Embassy, London.
Donald L. Ewing, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Charles H. Hochman, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Private Sector Advisers: Donald L. Monroe, Senior Surveyor, American Bureau of Shipping, New York, New York.

S. Fraser Sammis, President, National Cargo Bureau, Inc., New York, New York.

United States Delegation to the International Telecommunications Union, International Telegraph and Telephone Consultative Committee (ITU/CCITT) Joint Working Party, Marine Mobile Services (SMM) Geneva, March 12-16, 1979

Representative: Earl S. Barbely, Federal Communications Commission.

Alternate Representative: Douglas V. Davis, Federal Communications Commission.

Private Sector Advisers: Cecil Crump, AT&T Long Lines, New York, New York.
Abilio Gomes, ITT World Communications Inc., New York, New York.

Hon Klotsche, RCA Global Communications, Inc., New York, New York.

John Klotsche, RCA Global Communications, Inc., New York, New York.

Edward R. Slack, ComSat General, Washington, D.C.

United States Delegation to the Twentieth Session of the Subcommittee on Ship Design and Equipment of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, March 12-16, 1979

Representative: Richard L. Brown, Captain, USCG, Assistant Chief,

Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternate Representative: James C. Card, Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers: H. Clay Black, Shipping Attache, American Embassy, London.

John C. Maxham, Lieutenant Commander, USCG, Marine Merchant Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Paul J. Pluta, Lieutenant Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Gordon B. Sims, Jr., Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Samuel H. Wehr, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Private Sector Adviser: William A. Mayberry, Captain, USCG (ret.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana.

United States Delegation to the Group of Experts on Data Requirements and Documentation and Group of Experts on Automatic Data Processing and Coding, Economic Commission for Europe (ECE), Geneva, March 15-23, 1979

Representative: Lloyd J. Money, Transportation Programs Bureau, Department of Transportation.

Alternate Representative: William R. Myers, Office of Facilitation, Department of Transportation.

Advisers: Margaret M. O'Rourke, US Customs Service, Department of the Treasury.

Harry S. White, Jr., Associate Director for ADP Standards, Department of Commerce.

Private Sector Advisers: Arthur E. Bayliss, Executive Director, National Committee on International Trade Documentation.

Edward A. Guilbert, President, Transportation Data Coordinating Committee.

United States Delegation to the International Telecommunications Union, International Telegraph and Telephone Consultative Committee (ITU/CCITT), Study Group III, Working Party III, General Tariff Principles, Geneva, March 19-23, 1979

Representative: Earl S. Barbely, Federal Communications Commission.

Alternate Representative: Douglas V. Davis, Federal Communications Commission.

Private Sector Advisers: John Klotsche, RCA Global Communications, Inc., New York, New York.

Vincent LaScala, ITT World Communications, Inc., New York, New York.

George F. McGuire, Western Union Telegraph Co., Upper Saddle River, New Jersey.

Joseph S. Mendres, Western Union International, Inc., New York, New York.

Ronald F. Sabacek, TRT Telecommunications Corporation, Washington, D.C.

United States Delegation to the Meeting of the Provisional Steering Committee of the Diplomatic Conference on the Revision of the Paris Convention of the World Intellectual Property Organization (WIPO), Geneva, March 20-30, 1979

Representative: Donald W. Banner, Commissioner of Patents and Trademarks, Department of Commerce.

Alternate Representative: Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State.

Advisers: Michael Kirk, Director, Office of Legislation and International Affairs, Patent Office, Department of Commerce.

Lee J. Schroeder, Office of Legislation and International Affairs, Patent Office, Department of Commerce.

Private Sector Adviser: George R. Clark, American Group, International Patent and Trademark Association.

United States Delegation to the Insurance Committee, Organization for Economic Cooperation and Development (OECD), Paris, March 26-27, 1979

Representative: Stephen Altheim, US Mission to OECD, Paris.

Private Sector Adviser: Ronald K. Shelp, International Insurance Advisory Committee, Washington, D.C.

United States Delegation to the Twentieth Session of the Subcommittee on Radiocommunications, Intergovernmental Maritime Consultative Organization (IMCO), London, March 26-30, 1979

Representative: Bobby F. Hollingsworth, Captain, USCG, Chief, Telecommunications Management Division, Office of Operations, United States Coast Guard, Department of Transportation.

Advisers: Richard F. Carlson, Lieutenant, USCG, Telecommunications Management Division, Office of Operations, United States Coast Guard, Department of Transportation.

Gordon F. Hempton, Captain, USCH (Ret.), Chief, Aviation and Marine Division, Federal Communications Commission.

Earl J. Holliman, Chief, Radio Frequency Staff, Telecommunications Management Division, United States Coast Guard, Department of Transportation.

Robert C. McIntyre, Electronics Engineer, Safety and Special Services Bureau, Federal Communications Commission.

Private Sector Advisers: M. Harvey Strichartz, American Radio Association, New York, New York. Kenneth P. Wenth, Executive Director, Maritime Services Committee, Inc., New York, New York.

United States Delegation to the Seventh Meeting of the All Weather Operations Panel of the International Civil Aviation Organization, Montreal, March 26-30, 1979

Representative: Frank L. Frisbie, Chief, Approach and Landing Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation.

Alternate Representative: Gene Jensen, Approach and Landing Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation.

Advisers: Lucien V. Gormont, Office of System Engineering Management, Federal Aviation Administration, Department of Transportation.

Douglas B. Vickers, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation.

Gary Wirt, Flight Standards Service, Federal Aviation Administration, Department of Transportation.

Private Sector Advisers: William M. Russell III, Air Transport Association of America, Washington, D.C.

Melvin J. Zeltzer, MITRE Corporation, McLean, Virginia.

[Public Notice 657]

[FR Doc. 79-11767 Filed 4-13-79; 8:45 am]

BILLING CODE 4710-19-M

Agency for International Development

Proposed Program Criteria for American Schools and Hospitals Abroad (ASHA) Projects

BACKGROUND STATEMENT: Notice is hereby given of program criteria which the Agency for International Development proposes to adopt for screening applications for grants made under section 214 of the Foreign Assistance Act of 1961, as amended. Grants are made to schools, hospitals and libraries abroad which are founded or sponsored by U.S. citizens and which, in the case of schools and libraries, serve as study and demonstration centers for ideas and practices of the United States, and in the case of hospital centers, provide medical education and research outside the United States. The final program criteria will serve to provide administrative guidance for the ASHA program. The program criteria are intended to (a) be informative to potential applicants, (b) encourage projects of high quality, and (c) establish a standard of measurement for the achievement of program goals. A policy statement is included which emphasizes the desirability of achieving greater geographic distribution of the grant funds.

DATES: Comments must be received on or before May 25, 1979. Comments must be in writing to be considered.

ADDRESSES: Comments and other communications should be sent to: Mr. David Santos, Director, American Schools and Hospitals Abroad, Agency for International Development, Department of State, Washington, D.C. 20523, Telephone No.: (703) 235-9190.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Schwarzwald, Deputy Assistant Administrator, Private and Development Cooperation Bureau, Agency for International Development, Department of State, Washington, D.C. 20523, telephone No.: (202) 632-3842.

Proposed ASHA Criteria

Preamble—Pursuant to section 214 of the Foreign Assistance Act of 1961, as amended, grant assistance is made available to selected schools, libraries, and hospitals overseas founded or

sponsored by United States citizens and serving a study and demonstration centers for ideas and practices of the United States and as centers for medical education and research. Grants made under this program help such institutions demonstrate to people overseas the achievements of the United States in education and medicine.

In evaluating requests for assistance A.I.D. will apply the following criteria:

Criterion 1.—The applicant should be a nonprofit U.S. organization which either founded or sponsors the institution for which assistance is sought. Preferably, the applicant should be exempt under Section 501(c)(3) of the Internal Revenue Code of 1954.

The applicant must demonstrate a continuing, supportive relationship with the institution. Evidence of this would be the provision of financial and management support for the institution.

Criterion 2. An instructional program must serve the secondary or higher level and must reflect American educational ideas and practices. (Education at the elementary school level will not be supported.)

A school offering a broad-based academic program must include instruction on the history, geography, political science, cultural institutions or economics of the United States. English should be used in instruction or taught as a second language. However, the foregoing subject matter and language requirements need not apply to a school offering a specialized course of study.

Criterion 3. In institutions are expected to reflect favorably upon and to increase understanding of the United States.

Criterion 4. A hospital center, in addition to being a treatment facility, must be involved in medical education and research. Programs for post graduate training of staff in the United States and programs for the exchange of personnel with American institutions will be regarded as evidence of ability to demonstrate American ideas and practices in medicine.

Criterion 5. The faculty and staff of a school or a hospital center should include a significant number of U.S. citizens or other persons trained in U.S. institutions who are in residence and teaching at the school or hospital center on either a full-time or part-time basis.

Criterion 6. The majority of the users of any institution, e.g., students or patients, must be citizens of countries other than the U.S.

Criterion 7. An existing institution must demonstrate competence in professional skills and must exhibit sound management and financial

practices. An applicant for a new institution must demonstrate the ability to achieve professional competence and to operate in accordance with sound management and financial practices.

Criterion 8. The institution must be open to all persons regardless of race, religion, sex, color or national origin. (The above shall not be construed to require enrollment of students of both sexes at an educational institution enrolling boys or girls only.) Assistance may not be used to train persons for religious pursuits or to construct buildings or other facilities intended for worship or religious instruction.

Criterion 9. The institution must be located outside the U.S. and should not be under the control or management of a government or any of its agencies. The receipt of financial or other assistance from a government or government agency or the observance of national educational or medical standards required by the country where the institution is located does not in itself mean that the institution is "under the control or management" of such government.

Criterion 10. An applicant requesting capital construction assistance must provide information sufficient to permit a firm estimate of the total cost to the U.S. Government of the construction for which assistance is requested. Such an applicant must also provide information and assurances with respect to rights to the land on which construction is planned.

Criterion 11. To help achieve the objectives of the Foreign Assistance Act and ensure that the American Schools and Hospitals Abroad program is as geographically balanced as possible, special consideration will be given to institutions which increase geographic distribution of the program and contribute to the economic and social progress of areas that are the focus of A.I.D.'s development efforts.

Dated: March 19, 1979.

Calvin H. Raullerson,

Assistant Administrator for Private and Development Cooperation, Department of State, Agency for International Development.

[FR Doc. 79-11769 Filed 4-13-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF STATE

Secretary of State's Advisory Committee on Private International Law; Sub-Group on Recognition and Enforcement of Foreign Judgments; Meeting

There will be a meeting of the Sub-Group on Recognition and Enforcement

of Foreign Judgments, a sub-group of the subject Advisory Committee, at 10:15 a.m. on Wednesday, May 9, 1979 in Room 6245 of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purpose of the meeting will be to review the text of the Draft Convention between the United States and the United Kingdom providing for the reciprocal recognition and enforcement of judgments in civil matters, as discussed at the meeting of representatives of the two States at Cambridge, Massachusetts, September 18-22, 1978.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to May 9, notify Ms. Suzanne Hicks, Office of the Legal Adviser, Department of State (telephone: (202) 632-8134) of their name, affiliation and address.

Stephen M. Schwebel,
Vice Chairman.

[Public Notice CM-6/162]

[FR Doc. 79-11768 Filed 4-13-79; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

National Boating Safety Advisory Council; Meeting

Pursuant to section (10)(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 15 & 16, 1979, at Mercury's Salt Water Testing Facility, located on Highway 775 at the intersection of Highway 771 at the Boca Grande Causeway at Placida, Florida, beginning at 9:00 a.m. on both days. The meeting is scheduled to recess at 4:00 p.m. on Tuesday, May 15, 1979, and adjourn at noon on Wednesday, May 16, 1979. The agenda for this meeting will be as follows:

1. Review of action taken at the twenty-first meeting of the Council.
2. Executive Director's Report.
3. Presentation on Hull Identification Number (HIN) changes.
4. Report on results of study of flotation for canoes.
5. Progress report on Navigation Light Regulation.

6. Update on the Windsurfer's exemption from PFD's.
7. Status report on Preemption of State Boating Laws.
8. Update on proposed Visual Distress Signal regulations.
9. Office of Boating Safety report.
10. Members' Items.
11. Chairman's Session.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590, or by calling 202-426-1080.

Issued in Washington, D.C. on April 10, 1979.

B. E. Thompson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[CGD-79-058]

[FR Doc. 79-11757 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

Port Access Routes; Study Dates and Contact Points

The Coast Guard is undertaking a study of the potential vessel traffic density and the need for safe access routes for vessels operating in the approaches to U.S. ports and in the traditional routes between ports in the continental United States including Alaska. The results of this study could cause restrictions on the manner in which specific areas leased after the date of this Notice may be explored and developed for natural resources. Any action taken as a result of the study would be consistent with sub-section 4(c)(1) and 4(c)(2) of the Ports and Waterways Safety Act (PWSA), (P. L. 95-474, 92 Stat. 1473).

This study is being conducted under the standards contained in sub-section 4(c)(3)(A) of the PWSA. As a result of this study it is anticipated that suitable ships' routing measures, such as shipping safety fairways and/or traffic separation schemes, may be proposed in a future Federal Register. Implementing regulations of any routing measures will be in accordance with the PWSA and the Administrative Procedures Act. In accordance with the PWSA, the Coast

Guard will consult with the Secretaries of State, Interior, Commerce, and the Army, and the Governors of the affected States, concerning this matter.

Since the entire coast of the United States is being studied, Coast Guard district staff officers will be responsible for executing this study in various study areas. Based on present needs and anticipated use conflicts in various study areas, and the resources available to conduct the study, the study will be completed in the various areas at different times. It is realized that in many locations traditional traffic routes cross from one study area to another or extend into waters under the jurisdiction of another country. The work of the study and any plan for development of routing measures will be coordinated between adjacent study areas and will consider traffic patterns and other factors in adjacent waters that are under the jurisdiction of another country, where appropriate. The following list divides the coast of the United States into defined areas, provides dates of interest, and provides the "CONTACT" officer who is responsible for the study in each area.

Study Areas and Contacts

Area 1: Northeast coast of Maine. From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from the Canadian/United States border to a line bearing 120° T from Great Duck Island Light (44°08.5' N, 68°14.8' W).

Dates: Complete data collection by June 1, 1980. Publish study results—February 1, 1981 (estimated).

Area 2: Includes Searsport, Bucksport, and Portland, Maine, and Portsmouth, New Hampshire. From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from a line bearing 120° T from Great Duck Island Light (44°08.5' N, 68°14.8' W) to a line bearing 110° T as it passes through Isle of Shoals Light (42°58.0' N, 70°37.4' W).

Dates: Complete data collection by June 1, 1980. Publish study results—February 1, 1981 (estimated).

Area 3: Includes Boston, Massachusetts. From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from a line bearing 110° T as it passes through Isle of Shoals Light (42°58.0' N, 70°37.4' W) to a line bearing 180° T from Chatham Light (41°40.3' N, 69°57.0' W).

Dates: Complete data collection by December 1, 1979. Publish study results—July 1, 1980 (estimated).

Area 4: Includes Fall River and New Bedford, Massachusetts, and Providence, Rhode Island. Enclosed by the coast and a line bearing 180° T from Chatham Light (41°40.3' N, 69°57.0' W) to 40°40.0' N latitude; thence a line bearing 270° T to 71°51.5' W longitude; thence a line bearing 000° T to Watch Hill Light (41°18.2' N, 70°51.5' W).

Dates: Complete data collection by June 1, 1980. Publish study results—February 1, 1981 (estimated).

Contact: For AREAS 1 through 4: LCDR F. P. Hopkins, c/o Commander (m), First Coast Guard District, 150 Causeway Street, Boston, MA 02114, (617) 223-8915.

Area 5: Includes New York, NY, excludes Long Island Sound. Enclosed by the coast and a line bearing 180° T from Montauk Point Light (41°04.3' N, 71°51.4' W) to 40°40.0' N latitude; thence a line bearing 090° T to 69°57.0' W longitude; thence a line bearing 180° T to the 1800 meter curve; thence southwesterly along the 1800 meter curve to 38°45.0' N latitude, 72°44.0' W longitude; thence a line bearing 295° T to Atlantic City Light (39°21.9' N, 74°24.8' W).

Dates: Complete data collection by July 1, 1979. Publish study results—October 1, 1979 (estimated).

Area 5a: Includes Long Island Sound. All of Long Island Sound and that portion of Block Island Sound lying west of a line from Watch Hill Light (41°18.2' N, 70°51.5' W) to Montauk Point Light (41°04.3' N, 71°51.4' W).

Dates: Complete data collection by June 1, 1980. Publish study results—December 1, 1980 (estimated).

Area 6: Includes Delaware Bay. From the coast seaward to the 1800 meter curve, from a line bearing 115° T from Atlantic City Light (39°21.9' N, 74°24.8' W) to a line bearing 122° T from Fenwick Island Light (38°27.1' N, 75°03.3' W).

Dates: Complete data collection by July 1, 1979. Publish study results—October 1, 1979 (estimated).

Contact: For Areas 5 through 6: LT W. J. Chubb, c/o Commander (mps), Third Coast Guard District, Governors Island, NY 10004, (212) 668-7179.

Area 7: Delmarva Peninsula. From the coast seaward to the 1800 meter curve, from a line bearing 122° T from Fenwick Island Light (38°27.1' N, 75°03.3' W) to a line bearing 060° T from Cape Charles Light (37°07.4' N, 75°54.4' W).

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 8: Includes the entrance to the Chesapeake Bay. From the coast seaward to the 1800 meter curve, from a line bearing 060° T from Cape Charles Light (37°07.4' N, 75°54.4' W) to 36°33.0' N latitude.

Dates: Complete data collection by June 1, 1980. Publish study results—December 1, 1980 (estimated).

Area 9: North Carolina Outer Banks. From the coast seaward to the 1800 meter curve, from 36°33.0' N latitude to a line bearing 163° T from Cape Lookout Light (34°37.3' N, 76°31.5' W).

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 10: Includes Morehead City, North Carolina. Enclosed by the coast and a line bearing 163° T from Cape Lookout Light (34°37.3' N, 76°31.5' W) to the 1800 meter curve; thence south-southwest along the 1800 meter curve to 32°41.0' N latitude, 76°20.0' W longitude; thence a line bearing 302° T to

33°09.0' N latitude, 77°14.0' W longitude; thence a line bearing 012° T to the coast.

Dates: Complete data collection by June 1, 1980. Publish study results—December 1, 1980 (estimated).

Area 11: Onslow Bay. Enclosed by the coast and a line bearing 192° T from 34°41.0' N latitude, 76°50.0' W longitude and a line bearing 137° T from Oak Island Light (33°53.6' N, 78°02.1' W).

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 12: Includes Wilmington, North Carolina. Enclosed by the coast and a line bearing 137° T from Oak Island Light (33°53.6' N, 78°02.1' W) to 33°08.0' N latitude, 77°11.6' W longitude; thence a line bearing 122° T to 32°50.0' N latitude, 76°37.0' W longitude; thence a line bearing 270° T to 78° W longitude; thence a line bearing 336° T to the coast at the North Carolina/South Carolina border.

Dates: Complete data collection by June 1, 1980. Publish study results—December 1, 1980 (estimated).

Contact: For Areas 7 through 12: LT D. G. Bratton, c/o Commander (mps), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23705, (804) 398-9398.

Area 13: Includes Cape Romain Area. Enclosed by the coast and a line bearing 156° T from the coast at 78°32.0' W longitude to 32°50.0' N latitude 78° W longitude, thence a line bearing 270° T to the coast.

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 14: Includes Charleston, South Carolina, and Savannah, Georgia. From the coast seaward to the 1800 meter curve, from 32°50.0' N latitude to 31°30.0' N latitude.

Dates: Complete data collection by August 1, 1980. Publish study results—March 1, 1981 (estimated).

Area 15: Includes Brunswick, Georgia, and Jacksonville, Florida. From the coast seaward to the 1800 meter curve, from 31°30.0' N latitude to 30° N latitude.

Dates: Complete data collection by August 1, 1979. Publish study results—February 1, 1980 (estimated).

Area 16: Includes Cape Canaveral Area. From the coast seaward to the 1800 meter curve or the limit of Bahamian jurisdiction, from 30° N latitude to 27° N latitude.

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 17: Includes Port Everglades and Miami, Florida. From the coast seaward to the limit of Bahamian jurisdiction, from 27° N latitude to 25°20.0' N latitude.

Dates: Complete data collection by August 1, 1980. Publish study results—March 1, 1981 (estimated).

Area 18: Includes the Florida Keys and southwest Florida coast. From the coast to the 1800 meter curve or the limit of the Bahamian jurisdiction or the limit of Cuban jurisdiction, from 25°20.0' N latitude on the eastern side of Florida, around the Florida Keys, to 27° N latitude on the western side of Florida.

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Area 19: Includes the entrance to Tampa Bay. From the coast to a line bearing 019° T passing through the point 27° N latitude, 85° W longitude, from 27° N latitude to 28° N latitude.

Dates: Complete data collection by August 1, 1980. Publish study results—March 1, 1981 (estimated).

Area 20: Includes the Cedar Keys Area. Enclosed by the coast and a line bearing 199° T from the coast at 83°50.0' W longitude to 28° N latitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by June 1, 1981. Publish study results—December 1, 1981 (estimated).

Contact: For Areas 13 through 20 until May 15, 1979: LCDR M. G. Cavett, c/o Commander (mps), Seventh Coast Guard District, 51 S.W. 1st Avenue, Miami, FL 33130, (305) 350-5651.

After May 15, 1979: LCDR R. M. Acker, c/o Commander (dpl), Seventh Coast Guard District, 51 S.W. 1st Avenue, Miami, FL 33130, (305) 350-5502.

Area 21: Includes entire Gulf of Mexico coast from St. Marks, Florida to the west. From the coast seaward to the 1800 meter curve of the limit of Mexican jurisdiction, from a line bearing 199° T from the intersection of the Florida coast at 83°50.0' W longitude to the Mexican/United States border.

Dates: Complete data collection by June 1, 1980. Publish study results—February 1, 1981 (estimated).

Contact: For Area 21: LCDR G. J. E. Thornton, c/o Commander (mps), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, (504) 589-6901.

Area 22: Southern California. Enclosed by the coast and the line of Mexican jurisdiction from the Mexican/United States border to 32° N latitude, 118°08.0' W longitude; thence a line bearing 270° T to 122° W longitude; thence on a line bearing 000° T to 35° N latitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by January 1, 1980. Publish study results—July 1, 1980 (estimated).

Contact: For Area 22: LT R. A. Wendt, c/o Commander (dj), Eleventh Coast Guard District, 400 Ocean Gate, Suite 912, Long Beach, CA 90822, (213) 590-2301.

Area 23: Includes Morro Bay and Monterey Bay. Enclosed by the coast and a line bearing 270° T from the coast at 35° N latitude to 122° W longitude; thence a line bearing 338° T to 37° N latitude, 123° W longitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by June 1, 1980. Publish study results—January 1, 1981 (estimated).

Area 24: Includes San Francisco Bay. Enclosed by the coast and a line bearing 270° T from the coast at 37° N latitude to 123° W longitude; thence a line bearing 321.5° T to 38° N latitude, 124° W longitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by June 1, 1980. Publish study results—January 1, 1981 (estimated).

Area 25: Northern California including Humboldt Bay. Enclosed by the coast and a line bearing 270° T from the coast at 38° N latitude to 124° W longitude; thence a line bearing 339° T to 40° N latitude, 125° W longitude; thence a line bearing 000° T to 42° N latitude; thence a line bearing 090° T to the coast at the California/Oregon border.

Dates: Complete data collection by June 1, 1980. Publish study results—January 1, 1981 (estimated).

Contact: For Areas 23 through 25: CDR R. G. Hall, c/o Commander (mps), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126, (415) 556-1380.

Area 26: Oregon Coast. Enclosed by the coast and a line bearing 270° T from the coast at 42° N latitude to a point 125°10.0' W longitude; thence a line bearing 357° T to 45°35.0' N latitude, 125°25.0' W longitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by December 1, 1979. Publish study results—June 1, 1980 (estimated).

Area 27: Includes Columbia River Entrance. Enclosed by the coast and a line bearing 270° T from the coast at 45°35.0' N latitude to 125°25.0' W longitude; thence a line bearing 349° T to 46°45.0' N latitude, 125°45.0' W longitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by December 1, 1979. Publish study results—June 1, 1980 (estimated).

Area 28: Washington Coast. Enclosed by the coast and a line bearing 270° T from the coast at 46°45.0' N latitude to 125°45.0' W longitude; thence a line bearing 344° T to 47°45.0' N latitude, 126°10.0' W longitude; thence a line bearing 090° T to the coast.

Dates: Complete data collection by December 1, 1979. Publish study results—June 1, 1980 (estimated).

Area 29: Includes the entrance to the Strait of Juan de Fuca. From the coast, including the entrance to the Strait of Juan de Fuca, seaward to the 1800 meter curve, from 47°45.0' N latitude to the limit of Canadian jurisdiction.

Dates: Complete data collection by December 1, 1979. Publish study results—June 1, 1980 (estimated).

Contact: For Areas 26 through 29: LCDR D. W. Powell, c/o Commander (dpl), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174, (206) 442-7523.

Area 30: Includes Prince William Sound. From the coast to 59° N latitude, from 142° W longitude to 148° W longitude.

Dates: Complete data collection by July 1, 1979. Publish study results—January 1, 1980 (estimated).

Area 31: Includes Cook Inlet and the Shelikof Strait. From the coast on the northwest to 56° N latitude on the south and to 150° W longitude on the east.

Dates: Complete data collection by July 1, 1979. Publish study results—January 1, 1980 (estimated).

Area 32: Alaska. From the coast seaward to the 1800 meter curve or the limit of

Canadian jurisdiction or United Soviet Socialist Republics jurisdiction, from the Canadian/United States border to the Bering Straits, excluding any area to the west of 170° W longitude, excluding the regions lying within areas 30 and 31 above.

Dates: Complete data collection by July 1, 1979. Publish study results—January 1, 1980 (estimated).

Contact: For Areas 30 through 32: LT D. P. Montoro, c/o Commander (mvs), Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, AK 99802, (907) 586-7195.

It should be noted that the area to be studied as published on January 29, 1979 (44 FR 5739), and amplified on February 8, 1979 (44 FR 8052), has been divided. That area was described as extending from the coast of the United States to the 1800 meter curve (approximately 1000 fathoms) or the limit of the Canadian jurisdiction on the Outer Continental Shelf, from 35° N. Latitude to 43° N. Latitude. That area is now included in study areas numbered 3 to 9 listed above. This action was taken in order that the study of that area might be more effectively conducted. Copies of comments received in response to those notices will be forwarded to the officers now responsible for the smaller areas for proper consideration.

The Coast Guard is interested in receiving additional views from interested parties who have information that might pertain to the safe routing of ships as affected by other reasonable uses of the area. Written comments should include the docket number (CGD 79-047), the name and address of the person submitting the comments, and the reason for the comment. The comments should also identify the specific study area or areas to which it applies.

Further information can be obtained from and comments concerning specific areas of the study should be submitted to the individual listed as "CONTACT" for each study area as listed above. Comments addressing the study in general should be sent to:

LCDR John Bannan, c/o Commandant (G-WLE-4/73), U.S. Coast Guard, 400 Seventh Street, S.W., Washington, DC 20590, (202) 426-4958.

Study policies: The action to be taken as a result of the study can not be specified at this time. However, the Coast Guard has certain policies which are provided here to assist those who wish to submit comments to the study and those who are concerned with upcoming OCS Oil and Gas leases. These policies and intentions are based on Coast Guard experience in the areas of ships routing, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in

certain regions, as well as the mandates of the PWSA.

The PWSA directs that the Secretary [Coast Guard] " * * * provide safe access routes for the movement of vessel traffic proceeding to or from ports * * * and shall designate necessary fairways and traffic separation schemes * * * " The PWSA provides clear guidance as to the manner in which this is to be done. Among the concepts that stand out are: "Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses." and "to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved."

The PWSA also directs consultation with the Secretaries of State, Interior, Commerce, and the Army, and the Governors of the affected States. We are to "at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected by the proposed action."

In addition, the Act states that the Secretary [Coast Guard] "may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes, in order to accommodate the needs of other uses which cannot be reasonably accommodated otherwise: *Provided*, That such an adjustment will not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues." Further details are contained in Sections 4(c) and Section 5 of the PWSA. The Coast Guard anticipates that, in the course of time, population shifts, changes in transportation routes, knowledge of resource locations, technological breakthroughs, etc. will make this present work invalid. At such times as this occurs, the Coast Guard will re-study the affected areas.

The use conflicts which are of current concern in the areas to be studied are related to three factors, that of the volume of opposing traffic flowing along certain traditional routes, that of fishing in certain regions, and that of present or potential placement of oil exploration and production facilities in or near these routes. The factor of opposing traffic has been addressed by the establishment of Traffic Separation Schemes (TSSs) in various harbor approaches. These are subject to modification as a result of the current study and with the adoption of recommended changes by the Inter-Governmental Maritime Consultative

Organization. The factor of oil exploitation facilities has been addressed by the establishment of shipping safety fairways in certain areas. These also are subject to modification as a result of this study.

Fisheries will be fully considered in the conduct of this study.

At this time the amount and location of petroleum resources in many areas which might be affected by routing measures is known only to the extent of estimates based on geophysical information and on previous drilling which has been done in some areas. Hence, the Coast Guard anticipates establishing, where appropriate and possible, temporary measures to provide safe routing, while allowing full exploration of areas not yet under development. Such measures might be provisional port access routes as proposed in the *Federal Register* by the U.S. Army Corps of Engineers (COE) on June 30, 1978, (43 FR 28523) or one of the several modifying proposals made by commenters to the COE notices. Another alternative, which generally appears less desirable, would be to establish guidelines for the spacing of exploration equipment along the access routes. Similar guidelines are contained in "Authorization for Exploratory Drilling in the Gulf of Santa Catalina, California," published by the COE in the *Federal Register* on June 30, 1978, (43 FR 28475). Such regulatory guidelines, if adopted, would probably apply within the defined limits of a provisional port access route.

In certain areas where there is relatively high traffic density and the topography precludes alternate routing, other surface uses may have to be continuously restricted.

Once the location of resources is known, regular routes will be established, as necessary, to provide safe access. Such routes would be located, to the maximum extent practicable, in a manner to allow the placement of production facilities necessary to extract the resources.

As competition for the sea surface increases and conflicts result, all users must share in any inconvenience. The Coast Guard is carefully examining this problem in order to arrive at the most equitable solution, one which seeks to minimize conflicts, but which has safety as the paramount consideration.

F. P. Shubert,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[CGO 79-047]

[FR Doc. 79-11801 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

Temporary Control of New York Harbor Vessel Traffic; Notice of Orders

Notice is hereby given that pursuant to the authority contained in Section 2 of the Port and Tanker Safety Act of 1978, (33 USC 1221, et seq) delegated to the Captain of the Port New York at 33 CFR 160.35(b), Captain of the Port, New York Order No. 1-79 was issued effective 0001, 1 April 1979. This ORDER will remain in effect until the current strike which has curtailed New York Harbor tug boat operations is settled.

Captain of the Port, New York Order No. 1-79

Subj: Emergency directions for vessel traffic within the Port of New York during a period when tug boat assistance is unavailable due to work stoppage, strike or other cause.

Authorities: (a) Section 2 of the Port and Tanker Safety Act of 1978, 33 USC 1221 et. seq.

(b) Title 33, U.S. Code of Federal Regulations, Part 160.

Discussion: 1. The lack of tug boat assistance to commercial vessels during vessel entry and departure from New York, during inner port movements, and vessels docking and undocking, presents increased dangers of vessel casualties involving groundings, collisions and ramming. As a result of this increased danger, extra precautions are necessary to ensure the safety of the Port of New York, and the vessels within it.

2. The purposes of this Order are the prevention of damage to, or the destruction of any vessel, bridge or other structure on or in the navigable waters of the Port of New York, on any land structure or shore area immediately adjacent to those waters and to protect those navigable waters and the resources therein from environmental harm from vessel or structure damage, destruction or loss.

3. Reference (a) authorizes the Coast Guard Captain of the Port to temporarily control or restrict vessel traffic in an area which he determines to be especially hazardous by issuing orders or directions as are contained herein, and requires that each person who has notice of the terms of an order or direction issued under 33 CFR 160.35 shall comply with that order or direction.

Application: 1. These directions shall apply to all controlled vessels during a period when tug boat assistance is unavailable within the Port of New York, and to all other vessels which shall keep clear of the controlled vessels.

2. U.S. Coast Guard and other operators of public vessels will coordinate their vessel traffic with the Vessel Control Operations Center, of the Captain of the Port, New York at (212) 668-7759/60.

3. In an emergency any person may deviate from this rule to the extent necessary to avoid endangering persons, property or the environment.

Nothing in this order should be construed as restricting reasonable movement in an emergency or of relieving the Master/Pilot of their responsibility for safe navigation, and for following the practices of a prudent seaman.

Definitions: 1. *Port of New York* includes the navigable waters of the United States shoreward of AMBROSE LIGHT and including the entrance to Sandy Hook, Ambrose and Swash Channels, the Lower and Upper Bay, the Raritan Bay and Raritan River, the Arthur Kill, the Kill Van Kull, Newark Bay, and the Hackensack and Passaic Rivers. The waters of Long Island Sound west of Execution Rocks and including the East River, and the Hudson River south of Newburgh, New York.

2. The *Upper Bay* is that portion of the Port of New York north of the Verrazano Bridge and south of the East River and the Hudson River.

3. The *Lower Bay* is that portion of the Port of New York north of a line between Sandy Hook Light NR. 15 and Rockaway Point and east of Raritan Bay.

4. *Vessel* means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water.

5. *Controlled Vessels* are all non-public vessels, both U.S. and foreign, of 1600 gross tons and over and all non-public tugs with tows regardless of tonnage.

Penalties: 33 U.S. Code 1232 provides that whoever violates a regulation issued under Section 2 of the Port and Tanker Safety Act of 1978 is liable to a civil penalty of not more than \$25,000. A vessel used or employed in a violation of these regulations is liable *in rem*. 33 U.S. Code 1232 provides that whoever willfully violates a regulation issued under Section II of the Ports and Tanker Safety Act of 1978 shall be fined not more than \$50,000, or imprisoned for not more than five years, or both. Suspension and revocation proceedings against the holder of a license or a merchant mariner's document may be initiated.

Directions Ordered: 1. No controlled vessel movement will be undertaken

without specific permission of the Captain of the Port, New York. Wind force/direction and weather will be considered by the Captain of the Port in authorizing controlled vessel movements.

The Captain of Port, New York will coordinate all controlled vessel movements into and within the port and shall schedule movements to ensure maximum separation between vessels and to prevent meeting situations in those narrow channels and restricted areas he defines as limited traffic areas. In scheduling each vessel movement into and out of the Port, the proximity of other shipping, the accessibility of the affected berth, and the availability of maneuvering area shall all be carefully weighed. The Captain of the Port, New York will not allow any movement to be undertaken when doubt exists concerning the safety of the movement. In some portions of the port, the Captain of the Port will sequence control vessel movements to assure safety, and delay in obtaining authorization to enter or depart may be expected.

The criteria for all controlled vessel movements are as follows:

a. A six-hour advance notice of vessel's time of arrival at the Port of New York shall be given to the Coast Guard Captain of the Port, New York by all controlled vessels. Except that those vessels arriving from Long Island Sound will provide notice three hours prior to arrival at Execution Rocks, and those vessels arriving from the Hudson River will provide notice three hours prior to arrival at the Yonkers Pilot Station.

In addition to the 6-hour advance notice required for vessel arrivals in the port, all controlled vessel movements within the port must be reported to the Captain of the Port, New York at least three hours prior to commencement of the movement. Upon receipt of these notices the Captain of the Port, New York will give specific permission/denial to undertake the requested vessel movement.

The notices will provide the following information to the Captain of the Port, New York:

Name of vessel _____;
Length _____; Draft _____;
Cargo _____; Estimated Time of Arrival _____; Expected Anchorage or Berth _____; Expected Sailing Route _____; Estimated Time at Anchorage or Berth _____;
Propulsion _____; Single/Twin Screw _____; Bow Thruster _____; Availability of Tug Assistance _____.

In addition this notice shall advise the Captain of the Port, New York of

deficiencies to the following items which may affect the safe transit of the vessel:

Navigation equipment required by 33 CFR 164.35.

Vessel conditions of fire, flooding, and unusual trim and listing.

Vessel controllability and maneuverability.

Any impairment to vessel or cargo.

Vessel's propulsion equipment.

This requirement is in addition to the normal 24-hour notice required by 33 CFR 124 as well as the casualty reporting requirement in 33 CFR 124.16.

For the purpose of this order, all controlled vessels are required to give the advance notice required by this paragraph. No controlled vessel is excluded from this notice requirement.

b. All controlled vessels will contact Coast Guard Captain of the Port, New York on channel 13 VHF-FM prior to, entering Ambrose or Sandy Hook Channel, proceeding beyond Execution rocks from Long Island Sound and the Yonkers Pilot Station southbound from the Hudson River. At this time the vessel will report that it is entering the port of New York and will confirm that their entry permission is still valid. In addition, all controlled vessels will contact Coast Guard Group New York on channel 13 FM prior to undockin and heaving anchor and will report their intentions and confirm that their permission to undertake the movement is still valid.

All controlled vessels will contact Coast Guard Group New York on channel 13 VHF-FM upon docking, anchoring or upon departing the port of New York beyond Execution Rocks, the Yonkers Pilot Station northbound, or Ambrose and Sandy Hook Channels bound for sea.

The above mandatory reporting must be acknowledged by Coast Guard Group New York on channel 13 VHF-FM.

c. The following Security Broadcast System previously published in Commander, Third Coast Guard District Notice to Mariners No. 33 dated 25 July 1974 will become mandatory, with modifications noted herein, for all controlled vessels upon implementation of this order. These transmissions will not be acknowledged by Coast Guard Group New York.

i. All controlled vessels are required to make a security broadcast, in the format described below, at or when approaching each of the broadcast points included on the attached list. For certain of these points, as described in the list, the security broadcast is to be made only when proceeding in the direction specified.

ii. At each of the Broadcast Points the following information should be transmitted on Channel 13 VHF-FM, the Bridge-to-Bridge Channel, by all participating vessels:

Vessel Name.

If a Towing Vessel—the nature of the tow.

Present location (name of reporting point).

Direction of movement.

iii. This list of broadcast points is considered to be the minimum number of points to provide a working system. Additional calls may be prudent depending on weather conditions, unique vessel characteristics, when a towing vessel is changing the configuration of a tow, or when a vessel is anticipating an unusual maneuver or activity. It is expected that there will be other communications on Channel 13, both in the form of additional security broadcasts and for making arrangements for meeting or passing.

iv. Security broadcasts will be made by all controlled vessels immediately prior to departing a berth or anchorage.

v. An additional security broadcast is suggested for a vessel approaching an anchorage area when, in the opinion of the Master or Pilot, such a broadcast would serve to alert other vessels, preparing to enter or leave the anchorage area, of the presence of the former and thereby minimize the possibility of a surprise encounter or interference with maneuvers.

Security Broadcast System Reporting Points

Name and Location	Direction of movement
Lower and Upper Bay	
1. West Bank Light, West Bank Light when in Chapel Hill Channel.	Northbound.
2. Norton Pt., Coney Island Light.....	Northbound.
3. Buoy 22, Gowanus Flats Lighted Gong Buoy 22.	Inbound (Northerly)
4. Con Hook Range, Approach Con Hook Range.	Inbound (Westerly)
5. Buoy 30, Gowanus Flats Lighted Bell Buoy 30.	Northbound.
6. Erie Basin, Erie Basin Entrance.....	Northbound.
Hudson and East River	
11. W. T. Center, World Trade Center	Southbound.
12. Manhattan Bridge, Manhattan Bridge.....	East and West Bound.
13. Poorhouse Flat Range, Poorhouse Flats Range Front Light.	East and West Bound.
14. 72nd St., 72nd St. Manhattan.....	East and West Bound.
15. Sunken Meadow, Sunken Meadow Light 16.	East and West Bound.
16. S. Brothers Island Channels, Departing Greater NY Term.	Northbound.
17. Hunts Pt., Due South of Hunts Point.....	Westbound.
18. Whitestone Bridge, Whitestone Bridge.....	Eastbound.
19. Stepping Stones, Stepping Stones Light	Westbound.
Kill Van Kull/Arthur Kill/Raritan Bay	
21. Gypsum Plant, U.S. Gypsum Plant on Staten Island.	Outbound (Easterly)
22. Port Richmond, Port Richmond Light.....	Inbound (Westerly).

Kill Van Kull/Arthur Kill/Raritan Bay

23. Shooters Island, Kill Van Kull Light 16	Westbound.
24. Howland Hook, ½ mile North of the Goethals Bridge.	North and South Bound.
25. Grasselli, Vicinity of Grasselli and Piles Creek.	North and South Bound.
26. Carteret, North end of Island.....	North and South Bound.
27. Smoking Pt., Arthur Kill Light 14	North and South Bound.
28. Outerbridge, Outerbridge Crossing	North and South Bound.
29. Victory Bridge, 1 mile NW of the Victory Swing Bridge at Perth Amboy, NJ.	Outbound (Easterly)
30. Great Beds Light, Great Beds Light.....	Inbound (Westerly)
31. Ward Point, Raritan Bay Light 58.....	Inbound (Westerly)
32. Red Bank, Raritan Bay Light 42.....	Westbound.

Newark Bay

40. Newark Bay, Entering Newark Bay Middle Reach or Newark.	Southbound.
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Bay South Reach

41. Pt. Newark or Pt. Elizabeth, Departing Port Newark or Port Elizabeth.	Departing.
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d. No controlled vessel except for non-public tugs with tows shall enter, transit, or depart the Port of New York without a pilot who is acting under the directions of the Captain of the Port, New York. For the purpose of this Order only the New York and New Jersey Sandy Hook Pilots, the Interport Pilots, and the Hudson River Pilots, are acting under these directions. With the concurrence of the Captain of the Port, special arrangements may be made to permit other pilots to move vessels provided such pilots have knowledge of the provisions of this Order.

Prior to each controlled vessel movement, the Master must have a copy of this order advising him that these are emergency directions for vessel traffic within the Port of New York during a tow boat operators strike.

This order will normally be delivered by the pilot or can be acquired through the vessels agent or owner or from the Captain of the Port, New York.

e. The following speed limits will be in effect within the Port of New York:

In the East River between Corlears Hook and North Brothers the maximum speed permitted is eight knots over the bottom.

In the Kill Van Kull between Constable Hook and Elizabethport and in Arthur Kill between Elizabethport and Ward Point the maximum speed permitted is six knots over the bottom.

In the Anchorage Channel between St. George and the Verrazano Narrows Bridge, the maximum speed permitted is ten knots over the bottom.

In Newark Bay between Bergen Point and the Pennsylvania Lehigh Valley Railroad Bridge, the maximum speed permitted is six knots over the bottom.

(1) If visibility is so restricted as to make stopping the vessel within half of the limit of visibility impossible, that vessel will not be moved or if underway,

directed to the nearest safe anchorage/berth so as not to interfere with other vessels navigation.

f. The Master of all controlled vessels except tugs shall be on the bridge of the vessel, shall ensure that the following precautions have been taken, and inform the pilot of all these precautions:

(1) Both anchors are either free in the hawsepipe or backed out and ready for immediate use.

(2) A ship's officer is at the anchor control station and in direct communication with the bridge of the vessel, by telephone radio, or if adequate, by both visual means and amplified voice.

(3) The vessel's propulsion plant is in proper order and manned for maneuvering conditions.

(4) The necessary personnel, in direct telephone or telegraph communication with the bridge, are stationed in the steering machinery room ready to assume control immediately, should the vessel's normal steering control be lost.

g. All pilots/masters will, where practicable, maintain a minimum separation of 500 yards between deep draft vessels in excess of 1,600 gross tons proceeding in the same direction.

h. Due regard shall be given to underwater cable and pipeline crossing when utilizing vessel's anchor to assist in mooring operations.

i. Docking and undocking at all berths shall give due regard to other vessels moored close by. These operations will be sequenced and scheduled by the Captain of the Port, New York to minimize vessel congestion and maximize safe maneuvering room.

j. In all cases, vessels should be berthed in such a manner as to facilitate an unassisted departure and to facilitate protection from low energy contact by maneuvering vessels through the use of fenders, barges, etc.

k. When a vessel's anchor is set on the bottom to facilitate undocking, it shall be set as not to obstruct other vessels.

2. The following restriction on controlled vessel movements will apply to all vessels operating within the Port of New York upon implementation of this plan:

a. Unless specifically authorized by the Captain of the Port, no vessels of 70,000 deadweight tons or greater shall enter the Port of New York.

b. Unless specifically authorized by the Captain of the Port, no vessels of 800 feet length-over-all or greater, shall enter the Port of New York.

c. No controlled vessel shall enter or move within the Port of New York

without 2 foot minimum bottom clearance.

d. Unless specifically authorized by the Captain of the Port, no vessel with the following conditions shall enter the Port of New York:

(i) Inoperable navigation equipment required by 33 CFR 164.35;

(ii) Vessel conditions of fire, flooding, and unusual trim and listing;

(iii) Impaired controllability and maneuverability;

(iv) Vessel's propulsion equipment is impaired;

(v) Any impairment to the vessel or cargo which may affect the safe transit of the vessel.

e. No vessels laden with the following cargoes in bulk quantities shall enter, depart, or move within the Port of New York except by special permission of the Captain of the Port, New York:

(i) Explosives, Class A (commercial or military)

(ii) Oxidizing materials for which a special permit for water transportation is required by 49 CFR 176.

(iii) Any cargoes "of particular hazard" as listed in 33 CFR 124.14. (Note: that list includes liquified flammable gasses, anhydrous ammonia, chlorine, certain acids, etc.)

(iv) Radioactive materials, as defined in 49 CFR 172.389(e).

f. The Captain of the Port will permit vessel traffic within confined channels and basins only under favorable conditions of wind, visibility, vessel size and controllability, obstructions and other vessels, both moored and underway. In this regard:

(i) No vessel greater than 500', but less than 725', shall transit Bergen Point entering or leaving Newark Bay unless it transits with a fair tide and optimum wind conditions. No vessel of 725' or greater shall transit Bergen Point entering or leaving Newark Bay unless it has special operating characteristics and only with special permission from the Captain of the Port. Vessels requiring other tidal conditions shall be considered as a special circumstance.

(ii) There will be no transits permitted that involve encounters of controlled vessels in Kill Van Kull, and the Arthur Kill to Ward Point. Ordinarily the director of traffic in Arthur Kill will be clockwise, except that in the absence of traffic the Captain of the Port, New York may authorize the Arthur Kill to be entered the Northway. No vessel of 700' or greater may turn around in the Arthur Kill or Kill Van Kull without tug assistance.

(iii) No controlled vessel 400' or greater, and/or with a draft of 27' or greater may transit Hell Gate.

No controlled vessel less than 400' and with a draft less than 27' may transit Hell Gate unless it transits within 30 minutes of slack water.

No barge greater than 300' LOA may transit Hell Gate unless that barge has two tugs made up to it. In addition the barge must have a draft less than 27'. This transit must be conducted within 30 minutes of slack water.

Tank vessels that have discharged cargo at Bronx, NY terminals may be permitted to proceed in ballast through Hell Gate.

(iv) The Raritan River is closed to all controlled vessels with the exception of tugs and barges.

(v) Vacant,

(vi) The Erie Basin is closed to all controlled vessel traffic beyond the Erie Basin Terminal.

(vii) The Atlantic Basin is closed to all controlled vessel traffic.

(viii) Restriction (iv)-(vii) above may be waived under certain circumstances upon application to the Captain of the Port.

(ix) In addition to the proceeding, the Master/Pilot shall coordinate movements so that no two-way controlled vessel traffic will meet at the following locations:

- a. Hell Gate, East River
- b. Tuft's Point, Arthur Kill
- c. Tremley Point, Arthur Kill
- d. Bergen Point, Kill Van Kull
- e. North Brothers Island, East River
- f. Bayway, Arthur Kill

(x) Nothing in these rules will be construed as preventing case by case exemptions by the Captain of the Port when there will be no diminution of the probability of completing the maneuver safely.

3. Continuous liaison shall be maintained between the pilots and the U.S. Coast Guard Captain of the Port, New York, N.Y.

a. The Captain of the Port shall monitor vessel dockings and undockings, and may be assisted by other public safety agency boats for the purpose of keeping other vessels (pleasure craft and similar miscellaneous vessels) clear of the ships being docked and undocked. Escort may be provided in special cases. However, no assistance in any way resembling tug boat service or assistance will be provided, except in an emergency.

b. Emergency situations shall be immediately reported to the Captain of the Port, including groundings, collisions with any objects, fires, etc.

Anchorage: The Captain of the Port, New York will maintain control of the Federal Anchorages within the Port of New York and may limit the length of

anchorage stays in order to prevent anchorage congestion and to facilitate the scheduling and movement of vessels bound for berths within the port.

No vessel will anchor in Federal Anchorage 25 or Federal Anchorage 44. These anchorages will be maintained open and will be utilized by the Captain of the Port, New York as holding anchorages for vessels he will divert there, and for vessels' emergency use to avoid meeting situations.

Appeals: Appeal procedures as prescribed in 33 CFR 160.45 are as follows:

a. Any person (individual, firm, corporation, association, governmental entity, or partnership) directly affected by the directions of this Order may request reconsideration by the Captain of the Port, New York, and may appeal through the Captain of the Port to the Third Coast Guard District Commander, and then to the Commandant of the U.S. Coast Guard, whose decision shall be final.

b. Requests for reconsideration and appeals may be written or oral, but if oral, must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request of appeal is made will provide a written decision if requested.

c. While any request or appeal is pending, the order or direction remains in effect.

d. These appeal procedures do not apply to suspension or revocation proceedings against a holder of a license of merchant mariner's document. Suspension and revocation appeals are governed by the procedures in 46 CFR Subpart 5.30.

Notification: All notification required by this order will be given either to Coast Guard Group New York via channel 13 FM, or by telephone to the following numbers: 212-668-7759, 212-668-7760.

Controlled vessels wishing to report lightering, dangerous proximity situations in the anchorage or requesting an extension of its stay in the anchorage will do so by contacting Coast Guard Group New York on channel 16 FM.

Authority. Pub. L. 95-474 (33 U.S.C. 1223); 49 CFR 1.46(n) (49 FR 10063, 2/16/79); 33 CFR 160.35(b)

Dated: April 5, 1979.

James L. Fleishell,

Captain, U.S. Coast Guard, Captain of the Port, New York, New York.

[FR Doc. 79-11758 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Meeting No. 2

Matters to be considered: Proposed Terminal Control Area (TCA) Expansion for Moisant Airport, New Orleans, Louisiana, Configuration enclosed.

Time: 7:30 p.m.

Place: Ramada Inn, 1021 Airline Highway, Kenner, Louisiana.

Status: Open to the Public.

Comments: No verbatim minutes or transcripts will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on the proposed changes to the existing TCA.

For further information contact:

Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

Ralph L. Frick,

Chief, Airspace and Procedures Branch, ASW-530, Southwest Region, Federal Aviation Administration.

BILLING CODE 4910-13-M



Airport is reference point
Ceiling is 12,000 msl for all sections

Floors:

- A - surface
B - 600
C - 1000
D - 2000
E - 4000
F - 6000
G - 9000

DEPARTMENT OF THE TREASURY

Customs Service

Extension of Time for Comments Concerning an American Manufacturer's Petition To Withdraw Duty-Free Treatment Under the Generalized System of Preferences for Disposable Butane Lighters Imported From Hong Kong

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to a recent American manufacturer's petition to the Customs Service to withdraw duty-free treatment under the Generalized System of Preferences for disposable butane lighters imported from Hong Kong. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before May 16, 1979.

ADDRESS: Comments, preferably in triplicate, should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John L. Valentine, Special Projects and Programs Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5786).

SUPPLEMENTARY INFORMATION: On July 14, 1978, the Customs Service published in the Federal Register (43 FR 30382) a notice of receipt of an American manufacturer's petition, filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), to withdraw duty-free treatment under the Generalized System of Preferences (GSP) for disposable butane lighters imported from Hong Kong. Comments were to have been received on or before August 14, 1978. The petitioner alleged that disposable butane lighters imported from Hong Kong, currently classifiable under item 758.04 of the Tariff Schedules of the United States, fail to meet the "value-added" requirement to qualify for free entry under GSP. Under section 503 of the Trade Act of 1974 (19 U.S.C. 2463), in order for an article to qualify

for duty-free entry under GSP, 35 percent of the final appraised value of the merchandise must consist of either direct costs of processing operations performed in the beneficiary developing country or of materials produced in the beneficiary developing country. Inasmuch as the petitioner contends that parts and assemblies for the disposable butane lighters imported from Hong Kong are of Japanese origin, and that the cost or value of the parts and subassemblies may not be included as part of the 35 percent value-added requirement, petitioner alleges that the subject butane lighters are disqualified from GSP treatment.

The original petition made reference to a particular brand-name disposable butane lighter imported from Hong Kong. Informal inquiries made to the Customs Service in response to the July 14, 1978, notice of publication in the Federal Register were advised of this fact. However, an addendum (dated December 4, 1978) to the original American manufacturer's petition made reference to additional importations of disposable butane lighters imported from Hong Kong which, the addendum alleges, also fail to meet the 35 percent value-added requirement under GSP. The purpose of this notice is to advise the public that the original petition has been modified in this manner and to allow additional time for the preparation and submission of comments in light of this modification.

Comments

Comments concerning the American manufacturer's petition were to have been received on or before August 14, 1978. However, the Customs Service hereby extends the period of time for submission of comments in order to allow interested parties to prepare a response to the modified petition. As a result, the period of time for submission of comments is extended to May 16, 1979.

The American manufacturer's petition in its original and modified form, as well as all comments received, will be available for public inspection in accordance with sections 103.8(b) and 175.21(b), Customs Regulations (19 U.S.C. 103.8(b)), 175.21(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Dated: April 5, 1979.

Donald W. Lewis,

Acting Assistant Commissioner, Regulations and Rulings.

[521194]

[FR Doc. 79-11714 Filed 4-13-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF THE TREASURY

Customs Service

Tariff Classification—Lasted Leather Footwear Uppers*Correction*

In FR Doc. 79-10245, published at page 20330, on Wednesday, April 4, 1979, in the second column, on page 20330, in the paragraph reading "DATES", the fourth line reading "consumption on or after May 4, 1979, in the Customs Bulletin," should be corrected to read "consumption on or after 30 days from the date of publication of this notice in the Customs Bulletin."

[T.D. 79-100]

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$60,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

Indemnity Company of California, 320 North Parton Street, Santa Ana, California 92701.

California

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226.

Dated: April 6, 1979.

D. A. Pagliani,

Commissioner, Bureau of Government Financial Operations.

[Dept. Circ. 570, 1976 Rev., Supp. No. 10]

[FR Doc. 79-11646; Filed 4-13-79; 8:45 am]

BILLING CODE 4810-35-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

April 10, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117416 (Sub-58F), Newman and Pemberton Corporation, now assigned for hearing on April 10, 1979, at Washington, D.C., is postponed to May 29, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 85255 (Sub-61F), Puget Sound Truck Lines, Inc., now assigned for hearing on May 1, 1979, at Olympia, Washington, and will be held in the Conference Room, 7th Floor, Highways Licenses Building.

MC-F 13642, American Freight System, Inc.—Purchase (Portion) Riss International Corporation, now assigned for hearing on June 6, 1979, at Kansas City, Missouri, and will be held in Room 609, Federal Office Building.

MC 110098 (Sub-171F), Zero Refrigerated Lines, now assigned for hearing on June 4, 1979, at Kansas City, Missouri, and will be held in Room 609, Federal Office Building.

MC 119493 (Sub-222F), Monkem Company, Inc., now assigned for hearing on May 30, 1979, at Kansas City, Missouri, and will be held in Room 609, Federal Office Building.

MC 144640 (Sub-3F), Agricultural Services Association, Inc., now assigned for hearing on May 16, 1979 (3 days), in Room No. 111, Fletcher Building, 101 East Gaines Street, Orlando, FL.

MC 118159 (Sub-280F), National Refrigerated Transport, Inc., now assigned for hearing on May 21, 1979 (3 days), in Room No. 218, Federal Building, 51 S.W. 1st Avenue, Miami, FL.

No. 37132, United States Steel Corporation v. Louisville & Nashville Railroad Company, now being assigned for hearing on April 23, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 37162, The Cleveland-Cliffs Iron Company v. Burlington Northern, Inc., now being assigned for prehearing Conference

on the 11th day of April 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 11743 Filed 4-13-79; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

Decided: April 2, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the

tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification

of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-327F), filed January 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Yorktown, IN, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing Site: Kansas City, MO.)

MC 200 (Sub-330F), filed January 2, 1979. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, ME, MI, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TX, VA, VT, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Kansas City, MO.)

MC 5470 (Sub-170F), filed January 8, 1979. Applicant: TAJON, INC., R. D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *coal*, in dump vehicles, from points in OH, PA, VA, and WV, to points in NY. (Hearing site: Washington, DC, or Buffalo, NY.)

MC 5470 (Sub-171F), filed January 11, 1979. Applicant: TAJON, INC., a Delaware Corporation, R. D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, between the facilities of Hanna Furnace Corporation, Division of National Steel Corp., at Detroit, MI, on the one hand, and, on the other, points in IA, IL, IN, KY, MD, MO, NJ, NY, OH, PA, VA, WI, and WV. (Hearing site: Washington, DC, or Buffalo, NY.)

MC 11220 (Sub-164F), filed December 26, 1978. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P. O. Box 59, Memphis, TN 38101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of E. I. DuPont DeNemours & Company, at or near DeLisle, MS, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MN, MO, OH, TN, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 13250 (Sub-143F), filed December 13, 1978. Applicant: J. H. ROSE TRUCK LINE, INC., 4101 Fulton, P.O. Box 16190, Houston, TX 77022. Representative: James M. Doherty, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes, and commercial freight trailers*, and (2) *parts, attachments, and accessories* for the commodities named in (1) above, (except commodities in bulk), between the facilities of Hyster Company, at or near (a) Danville and Kewanee, IL, (b) Crawfordsville, IN, and (c) Berea, KY, on the one hand, and, on the other, points in AR, AZ, CA, CO, IN, KS, KY, LA, MO, NM, NV, OK, TN, TX, and UT, restricted to the transportation of traffic originating at or destined to the

named facilities. (Hearing site: Washington, DC.)

MC 28060 (Sub-46F), filed December 27, 1978. Applicant: WILLERS, INC., DOING BUSINESS AS, WILERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products and articles distributed by meat-packing houses* as described in sections A, B, C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Company, at Sioux Falls, SD, to points in NC, SC, GA, FL, AL, TN, LA, MS, AR, MI, and OH; and (2) *materials, equipment, and supplies used or dealt in by meat packers*, (except hides and commodities in bulk), from points in NC, SC, GA, FL, AL, TN, LA, MS, AR, MI, and OH, to the facilities of John Morrell & Company, at Sioux Falls, SD (Hearing site: Sioux Falls, SD.)

MC 35320 (Sub-169F) filed December 29, 1978. Applicant: T.I.M.E.-DC, INC., P. O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition and components of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dover Corporation/Rotary Lift Division, at or near Madison, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC-35320 (Sub-170F), filed December 29, 1978. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of forest fiber products, at or near Forest Grove, OR as

an off-route point in connection with applicant's otherwise authorized regular route operations. (Hearing site: Portland, OR, or Washington, DC.)

MC 35320 (Sub-171F), filed January 4, 1979. Applicant: T.I.M.E.-DC, INC., a Delaware corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and components of ammunition, serving the facilities of Dover Corporation, Elevator Division, at or near Middleton, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-174F), filed January 8, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, components of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Donnelley Printing Co., at or near Gallatin, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Nashville, TN, or Washington, DC.)

MC 35320 (Sub-182F), filed January 10, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, components of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Bendix Corp., at or near Frankfort, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Louisville, KY, or Washington, DC.)

MC 52460 (Sub-231F), filed January 10, 1979. Applicant: ELLEX

TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, AR, GA, KS, LA, MO, NM, OK, TN, and TX; and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, and materials, supplies, and equipment* used in the manufacture, sale and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, and OK, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing Site: Dallas, TX.)

MC 59150 (Sub-141F), filed December 21, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paving joints, siding, and paving joint compound*, from the facilities of W. R. Meadows of Georgia, Inc., at Atlanta, GA, to points in AL, FL, GA, NC, SC, MS, LA, TN, and VA. (Hearing Site: Atlanta, GA, or Jacksonville, FL.)

MC 59150 (Sub-142F), filed December 21, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, construction materials, and commodities* which by reason of size or weight require the use of special equipment, between points in FL. (Hearing site: Jacksonville, FL.)

MC 59150 (Sub-143F), filed December 22, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal buildings, knocked down, and (2) equipment, materials, and supplies* used

in the manufacture and installation of the commodities named in (1) above, (except commodities in bulk), between the facilities of Star Manufacturing Company, at or near Cedartown, GA, on the one hand, and, on the other, points in AL, FL, LA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 59150 (Sub-144F), filed December 27, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *newsprint paper, waste paper, cores, and equipment, materials, and supplies* used in the manufacture of newsprint paper, between points in Laurens County, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 59150 (Sub-145F), filed January 18, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum, gypsum products, and building materials; and (2) equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, between the facilities of Gold Bond Building Products, Division National Gypsum Company, at or near Wilmington, NC, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, TN, and VA. (Hearing site: Charlotte, NC, or Jacksonville, FL.)

MC 59150 (Sub-146F), filed January 10, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Jacksonville, FL, to points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing Site: Jacksonville, FL.)

MC 59720 (Sub-8F), filed December 29, 1978. Applicant: KENMORE TRANSPORTATION CO., a corporation, 22 Eskow Road, Worcester, MA 01604. Representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting (1) *monomer and commodities* used in the manufacture of plastic resins and pellets, in bulk, in tank vehicles, from points in NJ and CT, to points in MA; and (2) *plastic resins and pellets*, in bulk, in tank or hopper-type vehicles, from points in MA, to points in ME, NH, VT, RI, CT, NY, NJ, PA, DE, and MD. (Hearing Site: Boston, MA, or Washington, DC.)

MC 67450 (Sub-76F), filed December 28, 1978. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed* (except commodities in bulk), from Monmouth, IL, to points in IL, IN, IA, MI, MN, MO, NJ, NY, OH, PA, and WI; and (2) *materials and supplies* used in the manufacture and distribution of animal feed, from points in IL, IN, IA, MI, MN, MO, NJ, NY, OH, PA, and WI, to Monmouth, IL. (Hearing Site: Chicago, IL.)

MC 67450 (Sub-77F), filed January 2, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except commodities in bulk), (2) *pet food* (except commodities in bulk), and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), from the facilities of Nabisco, Inc., at or near (a) Buena Park, San Jose, and San Leandro, CA, (b) Denver, CO, (c) Jacksonville, FL, (d) Atlanta and Woodbury, GA, (e) Naperville, IL, (f) Morristown, IN, (g) Foxboro and Waltham, MA, (h) Minneapolis, MN, (i) Moonachie, NJ, (j) Buffalo, Geneva, and Niagara Falls, NY, (k) Charlotte, NC, (l) Columbus and Toledo, OH, (m) Portland, OR, (n) Mechanicsburg, PA, and (o) Dallas and Houston, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing Site: Chicago, IL, or New York, NY.)

MC 67450 (Sub-79F), filed January 5, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean meal and soybean hulls*, in bulk, from the facilities of Cargill, Inc., at or near Chicago, IL, to points in IL, IN, MI, and WI. (Hearing Site: Chicago, IL, or Minneapolis, MN.)

MC 75320 (Sub-207F), filed January 2, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of E. I. du Pont de Nemours & Company, at or near De Lisle, MS, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Jackson, MS.)

MC 85970 (Sub-19F), filed January 10, 1979. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, TN 38307. Representative: William H. Pendleton (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lighting fixtures, and parts, attachments, and accessories* for lighting fixtures, between the facilities of the Miller Company, at or near Martin, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

MC 88380 (Sub-33F), filed January 11, 1979. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, TX 76106. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, supplies, and equipment* used in the manufacture of iron and steel articles, from points in the United States (except AK and HI), to the facilities of Chaparral Steel Company, at or near Midlothian, TX. (Hearing site: Dallas, TX.)

MC 90870 (Sub-18F), filed December 28, 1978. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at Sterling and Rock Falls, IL, to points in AR, AL, GA, KY, IL, IN, IA, LA, MI, MS, MO, OH, OK, TN, TX, WI, and WV; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in AR, AL, GA, KY, IL, IN, IA, LA, MI, MS, MO, OH, OK, TN, TX, WI, and WV, to the facilities of Northwestern Steel and Wire Company at Sterling and Rock Falls, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 90870 (Sub-19F), filed December 28, 1978. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metal*, between those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Omaha, NE, or Washington, DC.)

MC 97310 (Sub-30F), filed January 4, 1979. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 31066, Meridian, MS 39301. Representative: David A. Watson, Jr., 3730 First Ave. South, Birmingham, AL 35222. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, GA, LA, MS, and TN; and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL and GA, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Jackson, MS, or Birmingham, AL.)

MC 107010 (Sub-67F), filed January 2, 1979. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *propane*, in bulk, in tank vehicles, from the facilities

of Mid America Pipe Line Terminal, at or near Greenwood, NE, to points in SD. **CONDITION:** Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 108380 (Sub-100F), filed January 10, 1979. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand and aggregates*, from points in Yellowstone County, MT, to points in Sheridan and Johnson Counties, WY. (Hearing site: Casper, WY, or Denver, CO.)

MC 110420 (Sub-795F), filed January 5, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid chemicals*, in bulk, in tank vehicles, (a) from Chicago, IL, to points in AL, AR, CT, DE, FL, GA, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, LA, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV and WI, and (b) from the facilities of Armak Chemical Co., in Grundy County, IL, to points in DE, FL, GA, IL, IA, KY, LA, MI, MN, MS, NE, ND, OK, RI, SC, SD, TN, and WV; and (2) *tallow and animal grease*, in bulk, in tank vehicles, (a) from points in IA, to Chicago, IL, and (b) from points in IA and WI, to the facilities of Armak Chemical Co., in Grundy County, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 112520 (Sub-360F), filed January 8, 1979. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, between the facilities of ITT Rayonier, Inc. at Jesup, GA, on the one hand, and, on the other, Charleston, SC. (Hearing site: Atlanta, GA.)

MC 115570 (Sub-21F), filed January 8, 1979. Applicant: WALTER A. JUNG, INC., 3818 S.W. 84th St., Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from Seattle and Tacoma, WA, and the port of entry on the international boundary line between the United States and Canada, located at Blaine, WA, to points in CA, ID, NV, MT, and UT, under continuing contract(s) with Powell River Alberni Sales Corporation, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 115730 (Sub-72F), filed January 10, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Norfolk, NE, to points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 115730 (Sub-63F), filed January 10, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of North Star Steel Company, at or near Monroe, MI, to points in CO, SD, NE, NY, KS, OK, TX, MN, IA, MO, WI, IL, MI, IN, OH, KY, WV, and PA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in CO, SD, NE, NY, KS, OK, TX, MN, IA, MO, WI, IL, MI, IN, OH, KY, WV, and PA, to the facilities of North Steel Company, at or near Monroe, MI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 115730 (Sub-64F), filed January 10, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Alton and Granite City, IL, to the facilities of John Deere Des Moines Works, at Ankeny, IA. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 117730 (Sub-38F), filed January 5, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 300, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common*

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *di-calcium phosphate*, from the facilities of Beker Industries Corp., at or near Marseilles, IL, to points in IN, OH, KY, MI, MO, IA, and WI; and (2) *limestone*, from Davenport, IA, to the facilities of Beker Industries Corp., at or near Marseilles, IL, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 117730 (Sub-40F), filed January 15, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in WI, to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the facilities of The Larsen Company. (Hearing Site: Green Bay, WI, or Chicago, IL.)

MC 118610 (Sub-32F), filed December 12, 1978. Applicant: GEORGE PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, KY 42301. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes, and commercial freight trailers*, and (2) *parts, attachments, and accessories* for the commodities named in (1) above, (except commodities in bulk), between the facilities of Hyster Company, at or near (a) Danville and Kewanee, IL, (b) Crawfordsville, IN, and (c) Berea, KY, on the one hand, and, on the other, points in IL, IN, and KY, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 119630 (Sub-20F), filed December 26, 1978. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Representative: Dean Williamson, 280 National Foundation Life Building, 3535 N.W. 58th street, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *equipment, materials, and supplies* used in the manufacture of metal buildings, from Columbia, SC,

Birmingham, AL, and Houston and Dallas, TX, to Oswego, KS.

Note: Dual operations are involved. (Hearing Site: Kansas City, MO, or Tulsa, OK.)

MC 120910 (Sub-16F), filed January 17, 1979. Applicant: SERVICE EXPRESS, INC., Post Office Box 1009, Tuscaloosa, AL 35401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *smelting compound* (except commodities in bulk), from Tuscaloosa, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Washington, DC.)

MC 121060 (Sub-85F), filed January 3, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of United States Steel Corporation, at or near (a) Clairton, Duquesne, Fairless, Homestead, Dravosburg, Johnstown, McKeesport, McKees Rocks, and Vandergrift, PA, and (b) Cleveland, Lorain, and Youngstown, OH, to points in AL, AR, GA, KY, LA, MO, MS, SC, TN, and WV, and those in OH, on and south of Interstate Hwy 70. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 121060 (Sub-86F), filed January 3, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum products*, from the facilities of Kaiser Aluminum and Chemical Corporation, at or near (a) Chalmette, LA, and (b) Bay Minette, AL, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New Orleans, LA.)

MC 121060 (Sub-87F), filed January 8, 1979. Applicant: ARROW TRUCK LINES, INC., Post Office Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting *iron and steel articles, nuts, bolts, and scrap metal*, between Madisonville, KY, Dora and Birmingham, AL, Duffield, VA, Scenery Hill, PA, El Paso, TX, Nitro, WV, and Kankakee, IL. (Hearing site: Washington, DC.)

MC 121060 (Sub-88F), filed January 10, 1979. Applicant: ARROW TRUCK LINES, INC., Post Office Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, materials, equipment and supplies* used in the manufacture and installation of building materials, (except commodities in bulk), from the facilities of Clow Pipe at Columbia, MO, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 123310 (Sub-18F), filed January 4, 1979. Applicant: DOUG ANDRUS & SONS, INC., 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cedar fencing materials*, from Superior and Troy, MT, and those points in ID in and north of Benewah and Shoshone Counties, to points in CO. (Hearing site: Boise, ID, or Spokane, WA.)

MC 124170 (Sub-110F), filed December 28, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry macaroni, spaghetti, and noodle products* from Jersey City, NJ, to points in IL, IN, and OH. (Hearing site: New York, NY.)

MC 124170 (Sub-112F), filed December 27, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, (except hides and commodities in bulk), from points in the Lower Peninsula of MI, to points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, ME,

MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing Site: Detroit, MI.)

MC 125910 (Sub-2F), filed December 29, 1978. Applicant: CUSTOM TRANSPORT, INC., P.O. Box 310, Lincolnton, NC 28092. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and materials, and supplies* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of St. Regis Paper Company, at or near Cantonment, FL, on the one hand, and, on the other, points in AL, AR, GA, MS, NC, SC, TN, VA, and WV. (Hearing Site: Pensacola, FL, or Washington, DC.)

MC 129420 (Sub-2F), filed January 8, 1979. Applicant: LILE INTERNATIONAL COMPANIES, 3602 So. Pine, Tacoma, WA 98409. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods* as defined by the Commission, between points in Clallam, Jefferson, and Mason Counties, WA, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. (Hearing Site: Seattle, WA.)

MC 129600 (Sub-32F), filed December 21, 1978. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from (a) North Grosvenordale, CT, and (b) the facilities of Deran Confectionery, Division of Borden, Inc., in Middlesex and Suffolk Counties, MA, to points in AZ, CA, CO, NM, NV, OR, UT, and WA, and (2) from the facilities of Schrafft Candy Company in Middlesex and Suffolk Counties, MA, to points in the destination States named in (1) above, and (3) from (a) Ashton, RI, and (b) the facilities of Nabisco Confections, Inc., subsidiary of Nabisco, Inc., in Bristol,

Middlesex, and Norfolk Counties, MA, to points in CA, CO, OR, UT, and WA, under continuing contract(s) in (1) with Deran Confectionery, Division of Borden, Inc., of Cambridge, MA; in (2) with Schrafft Candy Company, of Boston, MA; and in (3) with Nabisco Confections, Inc., subsidiary of Nabisco, Inc., of Cambridge, MA. (Hearing site: Washington, DC or Boston, MA.)

Note.—Dual operations may be involved.

MC 133570 (Sub-7F), filed January 10, 1979. Applicant: A OF I, INC., P.O. Box 27, 110 Bellfountain, Hamilton, IN 46742. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *contractors' equipment and road construction equipment*, between points in the United States (except AK and HI), under continuing contract(s) with F & M Supply, Inc., and Mafco Equipment Co., Inc., both of Cincinnati, OH. (Hearing site: Washington, DC, or Cincinnati, OH.)

MC 134150 (Sub-20F), filed December 18, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., A California Corporation, d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *casts*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of casts, (except commodities in bulk, in tank vehicles), from San Diego, CA, to points in the United States (except AK and HI), and (2)(a) *medical, dental, and consumer care products*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (2)(a) above, (except commodities in bulk, in tank vehicles), between the facilities of Cutter Laboratories, Inc., at or near (a) Bensenville, IL, (b) Kenner, LA, (c) East Brunswick, NJ, (d) Dallas, TX, and (e) Tukwila, WA, under continuing contract(s) with Cutter Laboratories, Inc. (Hearing site: San Francisco or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 134300 (Sub-34F), filed December 22, 1978. Applicant: TRIPLE R EXPRESS, INC., 498 First Street Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery* (except commodities in bulk), (1) from the facilities of Deran Confectionery-Borden, Inc., at or near (a) Boston, MA, and (b) North Grosvendale, CT, to points in ND, SD, NE, KS, MN; IA, MO, WI, IL, MI, IN, and OH, (2) from the facilities of Charles N. Miller Company, at or near Watertown, MA, to Addison, IL, and points in MI, (3) from the facilities of Peter Paul Cadbury, Inc., at or near York, PA, to Frankfort, IN, (4) from the facilities of the Schrafft Candy Co., at or near Boston and Woburn, MA, to points in OH, MI, IN, IL, WI, IA, MN, ND, and SD, and (5) from the facilities of New England Confectionary Co., at or near Cambridge, MA, to points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 135410 (Sub-36F), filed December 21, 1978. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except commodities in bulk), from the facilities of Campbell Soup Co., at or near Napoleon, OH, to Camden, NJ, and points in WV, PA, NY, IL, IN, WI, IA, and MO; (2) *canned foodstuffs*, from the facilities of Campbell Soup Co., at Chicago, IL, to points in MO and WI; and (3) *frozen foods* (except commodities in bulk), from the facilities of Campbell Soup Co., at or near Omaha, NE, to points in IL, IN, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 138000 (Sub-41F), filed December 26, 1978. Applicant: ARTHUR H. FULTON, INC., Post Office Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *powdered clay* (except commodities in bulk), from Robbins, NC, to Chelsea, MI. (Hearing site: Chelsea, MI.)

Note.—Dual operations are involved.

MC 138420 (Sub-29F), filed January 2, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063.

Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from points in WI, to points in the United States (except AK, WI, and HI), restricted to the transportation of traffic originating at the facilities of The Larsen Company. (Hearing site: Green Bay, WI.)

MC 139420 (Sub-45F), filed January 8, 1979. Applicant: GLACIER TRANSPORT, INC., P.O. Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, ND 58107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese*, (a) from points in MN, ND, SD, WY, and MT, to the facilities of L. D. Schreiber Cheese Company, Inc., at or near (i) Logan, UT, and (ii) Green Bay, WI, (b) between the facilities of L.D. Schreiber Cheese Company, Inc., at or near (i) Logan UT, and (ii) Green Bay, WI, and (c) from the facilities of L. D. Schreiber Cheese Company, Inc., at or near Logan, UT, to points in CA; and (2) *cheese, and materials and supplies* used in the production of cheese, from the facilities of L. D. Schreiber Cheese Company, Inc., at or near (i) Green Bay, WI, and (ii) Logan, UT, to points in MN, ND, SD, WY, and MT. (Hearing site: Chicago, IL, or Minneapolis, MN)

MC 142051 (Sub-5F), filed January 11, 1979. Applicant: MOYER PACKING TRANSPORTATION COMPANY, d.b.a. V & J DERSTINE, P.O. Box 395, Allentown Road, Souderton, PA 18964. Representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, PA 19107. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, in vehicles equipped with mechanical refrigeration between the facilities of Moyer Packing Company, in PA, on the one hand, and on the other, points in CT, DE, FL, GA, IN, IL, ME, MD, MA, MI, NC, NH, NJ, NY, OH, RI, SC, VT, VA, WV, WI, IA, MN, MO, AR, KY, TN, AL, MS, LA, NE, KS, OK, TX, and DC, under continuing contract(s) with the Moyer Packing Company, of Souderton, PA. (Hearing site: Philadelphia, PA.)

MC 142110 (Sub-5F), filed January 4, 1979. Applicant: CHARLES W. LAURAMORE, Route 2, Box 415, Glen St. Mary, FL 32040. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *contract carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *lumber*, (1) from Riceboro, GA, to Jacksonville, FL, and (2) from Jacksonville, FL, to points in GA, under continuing contract(s) with Amax Forest Products, Inc., of Jacksonville, FL. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 142190 (Sub-2F), filed January 10, 1979. Applicant: COVENEY TRUCKING CO., INC., P.O. Box 119, Landing, NJ 07850. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt and salt products*, in bulk, from Perth Amboy, NJ, to points in Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Sullivan, Ulster, Columbia, and Green Counties, NY, under continuing contract(s) with Cargill, Inc., of Lansing, NY. (Hearing site: Washington, DC.)

MC 142310 (Sub-9F), filed December 29, 1978. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from points in WI, to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the facilities of The Larsen Company in WI. (Hearing site: Green Bay, WI.)

MC 142390 (Sub-4F), filed January 9, 1979. Applicant: TRANSIT MOVING INC., 2930 Industrial Park Road, P.O. Box 1787, Iowa City, IA 52240. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *expanded plastic articles* (except commodities in bulk), from Chicago, IL, to Indianapolis and Rushville, IN, Bancroft and Muscatine, IA, Grand Rapids and Monroe, MI, Minneapolis, MN, Cincinnati, OH, and Marshfield, WI, under continuing contracts with Clark-Crain Foam Industries, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 143070 (Sub-2F), filed January 3, 1979. Applicant: SPRINGFIELD TRUCKERS, INC., 1913 South Stewart, Suite B, Springfield, MO 65804. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand, gravel, and stone*, from points in KS and OK, to points in Greene and Taney Counties, MO. (Hearing site: St. Louis, MO.)

MC 143570 (Sub-7F), filed January 11, 1979. Applicant: D & G TRUCKING, INC., 4420 Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *moulding*, from points in Ada, Boise, Canyon, Gem, Payette, and Owyhee Counties, ID, to points in AZ, CA, CO, KS, MO, NM, OK, and TX. (Hearing site: Boise, ID, or Portland, OR.)

MC 144630 (Sub-11F), filed January 8, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bakery goods*, from the facilities of The Kroger Company, at Columbus, OH, to Los Angeles, CA; and (2) *such commodities* as are dealt in by grocery and food business houses, from the facilities of The Kroger Company, at Cincinnati, OH to Los Angeles, CA. (Hearing site: Cincinnati, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145150 (Sub-6F), filed January 5, 1979. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, (1) from Tulsa, OK, to points in KS and MO, (2) from Joplin, MO, to points in KS, and (3) from points in Cherokee County, KS, to points in MO and OK. (Hearing site: Kansas City, MO.)

MC 145990F, filed January 4, 1979. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Avenue, Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918 16th Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *alcoholic beverages* (except commodities in bulk), from Lawrenceburg, IN, to Chicago, Plainfield, Springfield, Decatur, and Champaign, IL; and (2) *glass containers, accessories* for glass

containers, and *materials, equipment, and supplies* used in the manufacture and distribution of glass containers, from Streator, IL, to Cincinnati, OH. (Hearing site: Cincinnati, OH, or Chicago, IL.)

MC 146020 (Sub-2F), filed January 9, 1979. Applicant: STEVE PAPPAS, d.b.a. PAPPAS BUILDERS SUPPLY, 3475 South 700 West, Murray, UT 84115. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos roofing products, asphalt roofing products, insulation, and vinyl building products*, from Portland, OR, Wilmington and Martinez, CA, to points in UT, under continuing contract(s) with Bird & Son, Inc. of East Walpole, MA. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 146100F, filed December 18, 1978. Applicant: ATLANTIC EXPRESS, INC., 2424 South Dixie Hwy., P.O. Box 522170, Miami, FL 33152. Representative: M. Craig Massey, 202 E. Walnut St., P.O. Drawer J, Lakeland, FL 33802. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *motor vehicle parts*, and (2) *materials and supplies used in the manufacture or distribution of motor vehicles and motor vehicle parts* (except commodities in bulk), between points in AL, FL, GA, LA, MS, NC, SC, TN, and VA, under continuing contract(s) with General Motors Corporation (General Motors Parts Division). (Hearing site: Atlanta, GA, or Washington, DC.)

Motor Carriers of Passengers

MC 141460 (Sub-3F), filed January 4, 1979. Applicant: THE GRAY LINE TOURS COMPANY, a corporation, 1207 West Third St., Los Angeles, CA 90017. Representative: Warren N. Grossman, Suite 1800, 707 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Los Angeles, Orange, and San Diego Counties, CA, and extending to points in Clark, Douglas, Storey, and Washoe Counties, NV. (Hearing site: Los Angeles, CA, or Las Vegas, NV.)

MC 145090 (Sub-1F), filed January 4, 1979. Applicant: DENVA E. BOWEN, JR./BILLY J. McDANIEL, PARTNERS, d.b.a., B & M SERVICE COMPANY, 1520 Rebecca Drive, Chattanooga, TN 37412.

Representative: Denva E. Bowen, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, between Chattanooga, TN, and Hollywood, AL: From Chattanooga over Interstate Hwy 24 to junction U.S. Hwy 41, at or near Halletown, TN, then over U.S. Hwy 41 to junction U.S. Hwy 72, then over U.S. Hwy 72 to Hollywood, and return over the same route, serving all intermediate points. (Hearing site: Chattanooga, TN.)

[Permanent Authority Decisions Volume No. 26]

[FR Doc. 79-11233 Filed 4-13-79; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Application; Decision-Notice

Correction

In FR Doc. 78-35362, published at page 59584, on Thursday, December 21, 1978, the following corrections should be made:

1. On page 59585, the second column, the second paragraph reading "MC 11207 (Sub-45F)," should be corrected to read "MC 11207 (Sub-453F);";

2. On page 59589, the second column, the first paragraph, the first line reading "MC 114045 (Sub-59F)," should be corrected to read "MC 114045 (Sub-519F);";

3. On page 59592, the second column, the first full paragraph reading "MC 13420" should be corrected to read "MC 134201";

4. On page 59593, the second column, the first full paragraph, the twelfth line reading "on the other, points" should be corrected to read "on the one hand, and, on the other, points".

[Decisions Volume No. 58]

BILLING CODE 1505-01-M

Permanent Authority Applications; Decision-Notice

Correction

In FR Doc. 78-35363, published at page 59596, on Thursday, December 21, 1978, the following corrections should be made:

1. On page 59601, the second column, the last paragraph, reading "MC 118159 (Sub-229F)," should be corrected to read "MC 118159 (Sub-299F);";

2. On page 59608, the second column, after the third paragraph, the file line

"[FR Doc. 78-35363 Filed 12-20-78; 8:45 am]" should be inserted.

[Decisions Volume No. 60]

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

Chicago & North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chicago and North Western Transportation Company, has filed with the Commission its color-coded system diagram map in docket No. AB 1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 1 (SDM).

H. G. Homme, Jr.,

Secretary.

BILLING CODE 7035-01-M

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-1

SYSTEM DIAGRAM MAP

49-CFR SEC. 1121.20

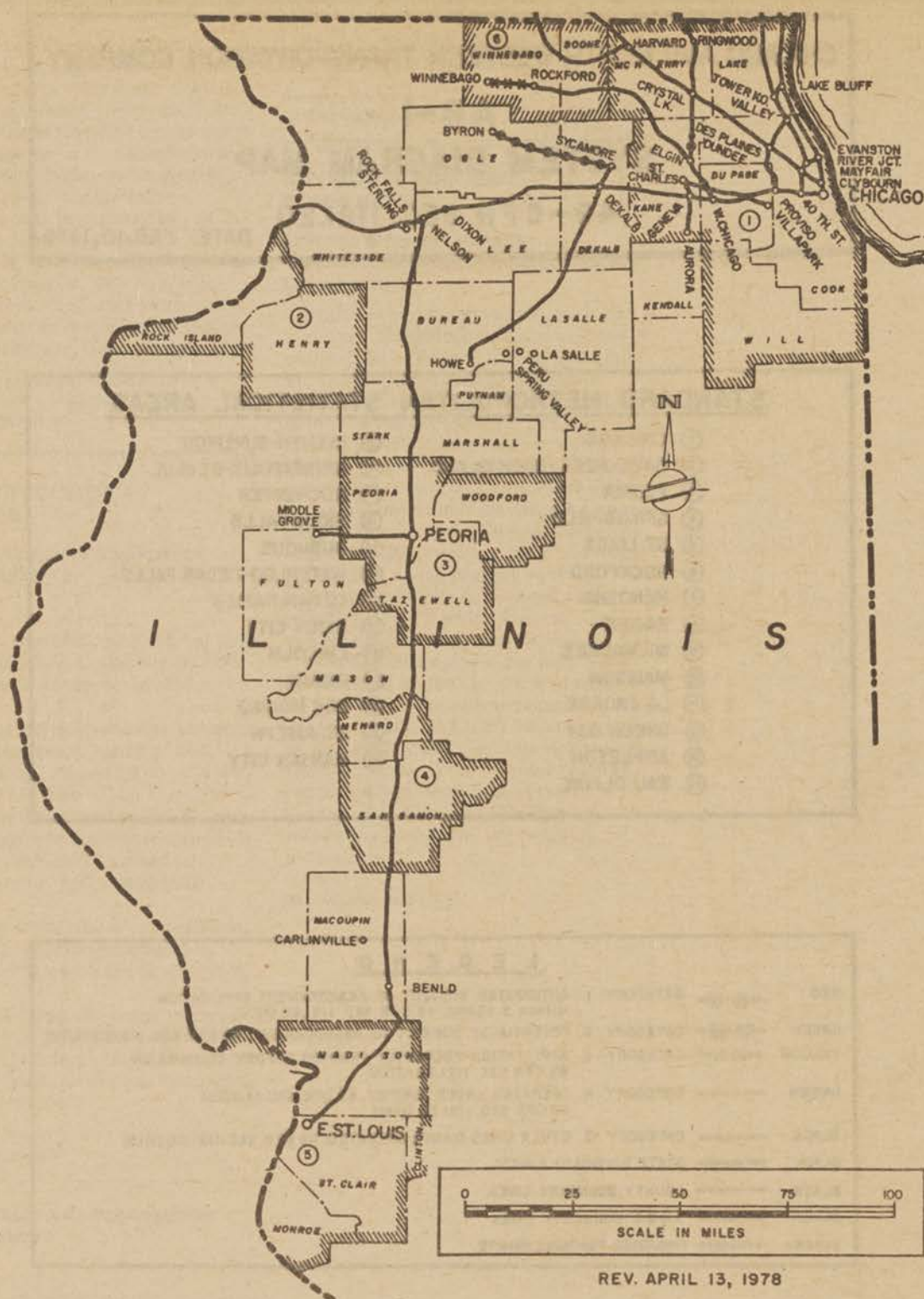
DATE: FEB. 15, 1979

STANDARD METROPOLITAN STATISTICAL AREAS

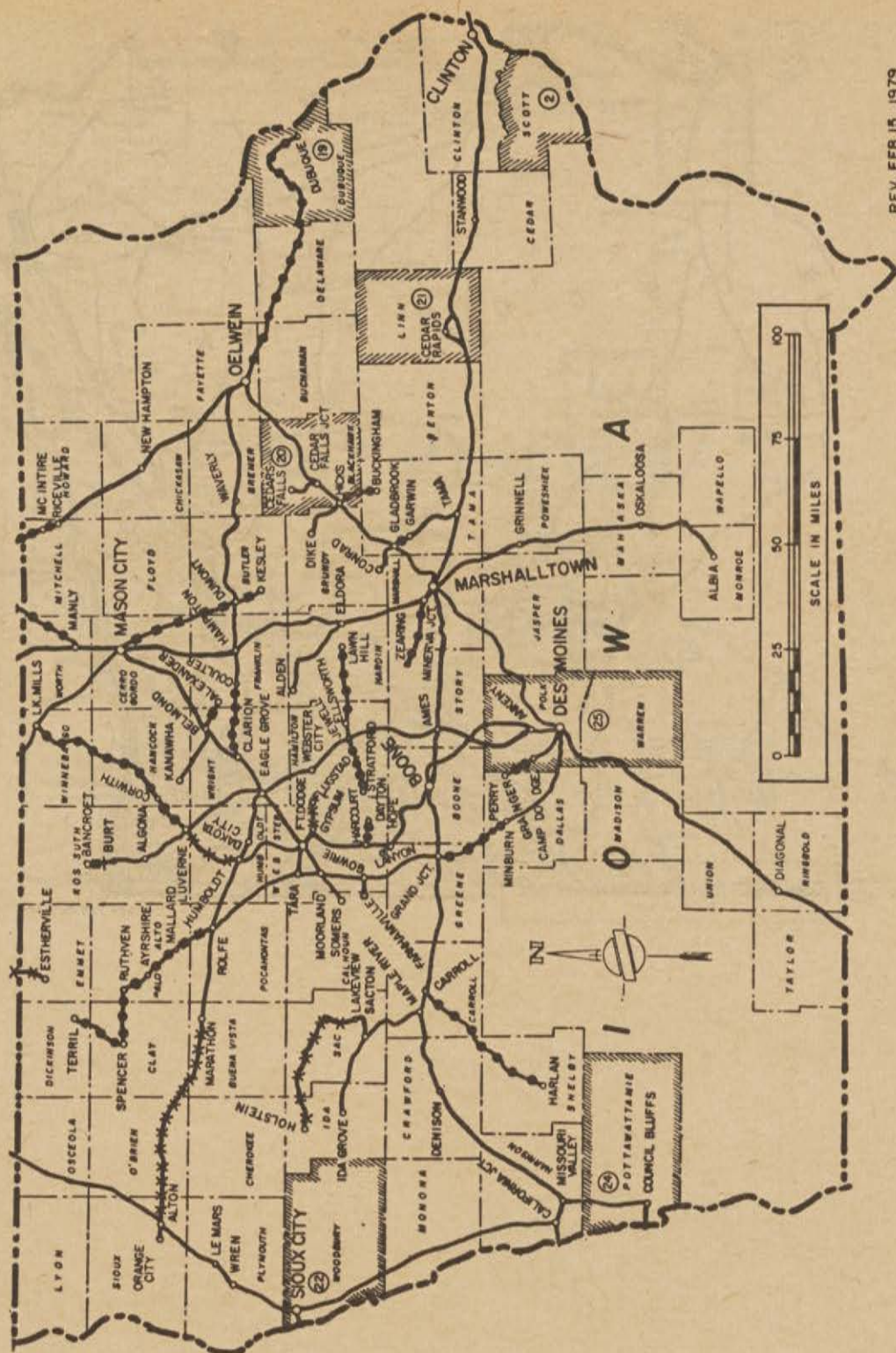
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|-------------------------|------------------------|
| ① CHICAGO | ⑮ DULUTH-SUPERIOR |
| ② DAVENPORT-ROCK ISLAND | ⑯ MINNEAPOLIS-ST. PAUL |
| ③ PEORIA | ⑰ ROCHESTER |
| ④ SPRINGFIELD | ⑱ SIOUX FALLS |
| ⑤ ST. LOUIS | ⑲ DUBUQUE |
| ⑥ ROCKFORD | ⑳ WATERLOO-CEDAR FALLS |
| ⑦ KENOSHA | ㉑ CEDAR RAPIDS |
| ⑧ RACINE | ㉒ SIOUX CITY |
| ⑨ MILWAUKEE | ㉓ LINCOLN |
| ⑩ MADISON | ㉔ OMAHA |
| ⑪ LA CROSSE | ㉕ DES MOINES |
| ⑫ GREEN BAY | ㉖ ST. JOSEPH |
| ⑬ APPLETON | ㉗ KANSAS CITY |
| ⑭ EAU CLAIRE | |

LEGEND

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|--------|--|---|
| RED | | CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1) |
| GREEN | | CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b)(2) |
| YELLOW | | CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3) |
| BROWN | | CATEGORY 4. OPERATED UNDER SUBSIDY 49 USC SEC. 106(d) 49 CFR SEC. 1121.20 (b)(4) |
| BLACK | | CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5) |
| BLACK | | STATE BOUNDARY LINES |
| BLACK | | COUNTY BOUNDARY LINES |
| BLACK | | SMSA BOUNDARY LINES |
| BLACK | | PROPOSED TRACKAGE RIGHTS |

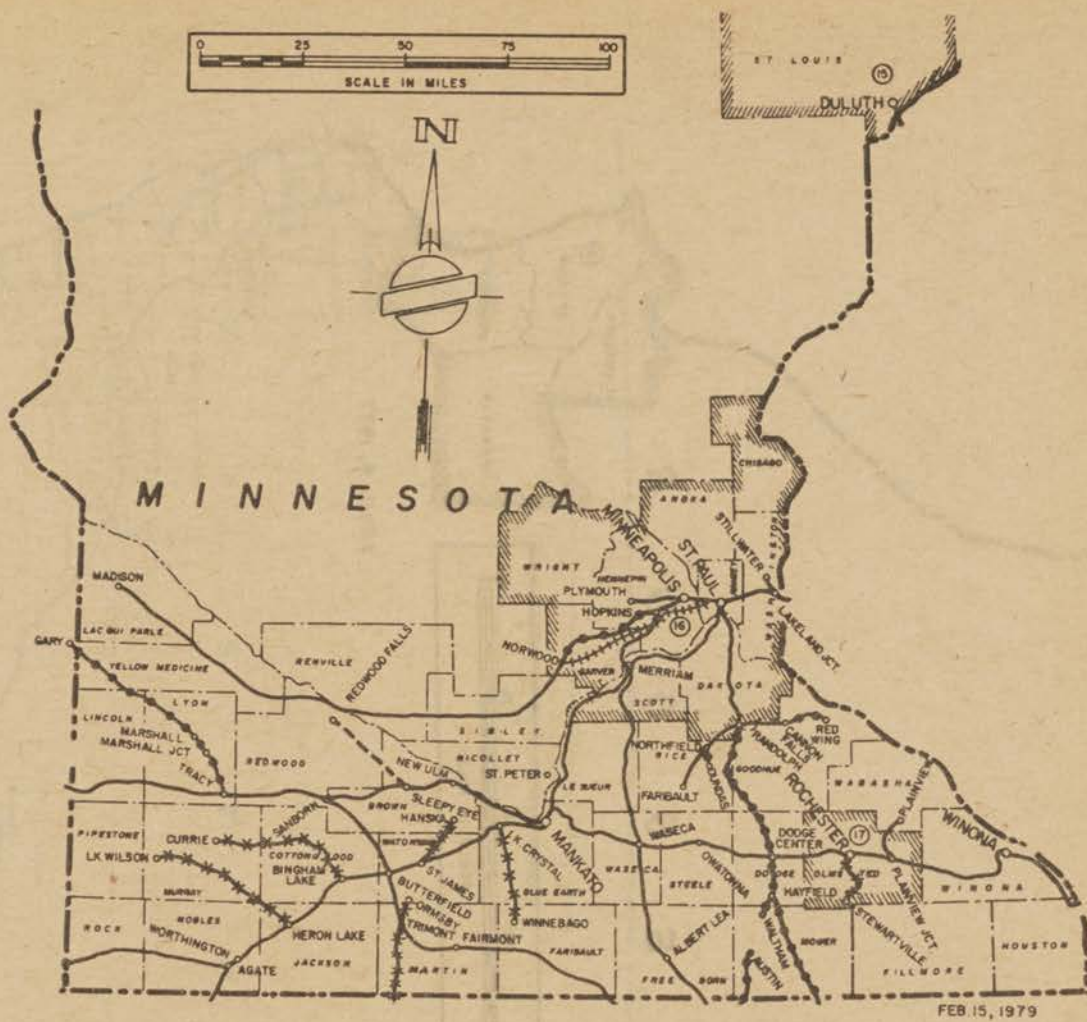


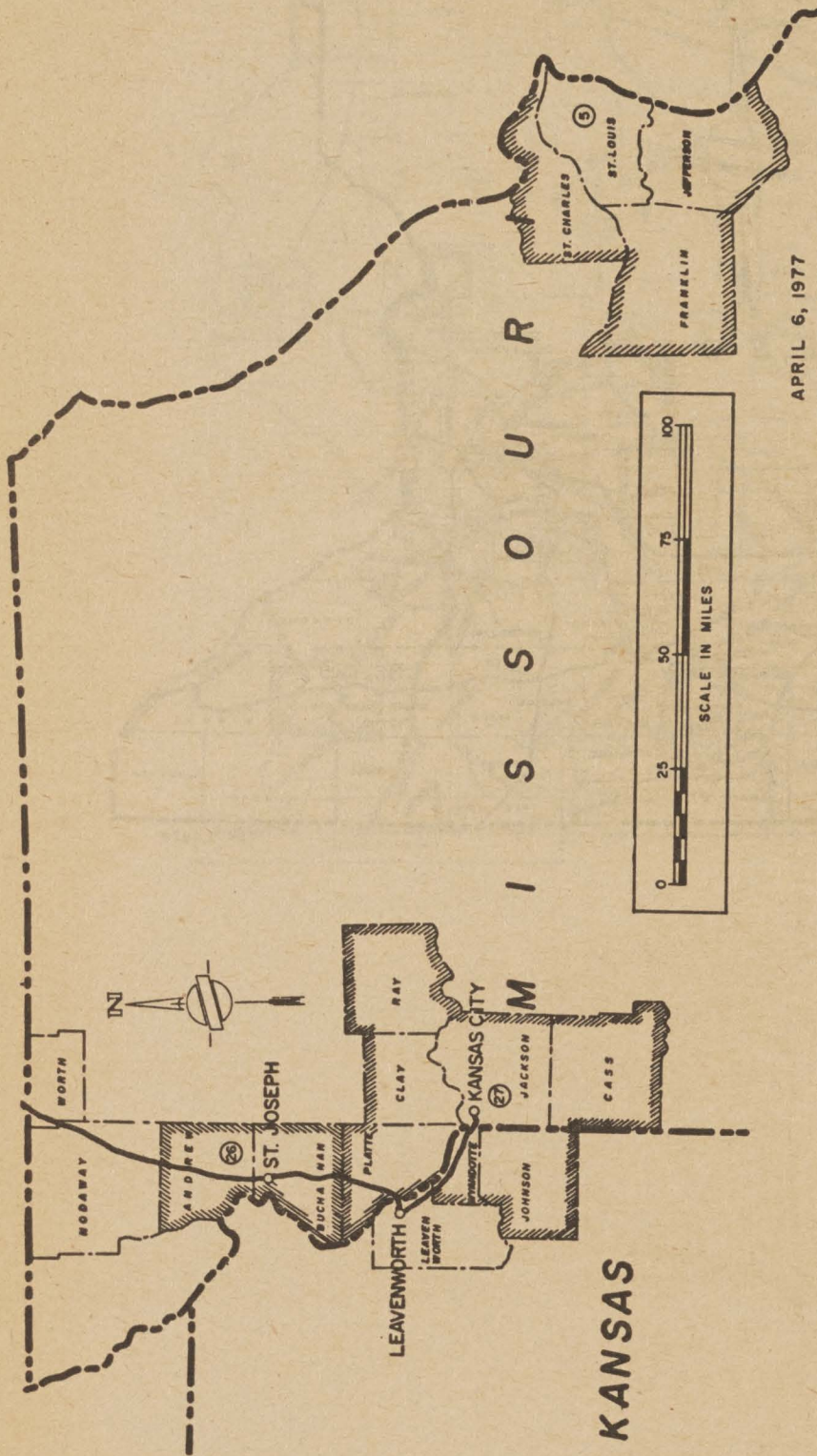
REV. APRIL 13, 1978



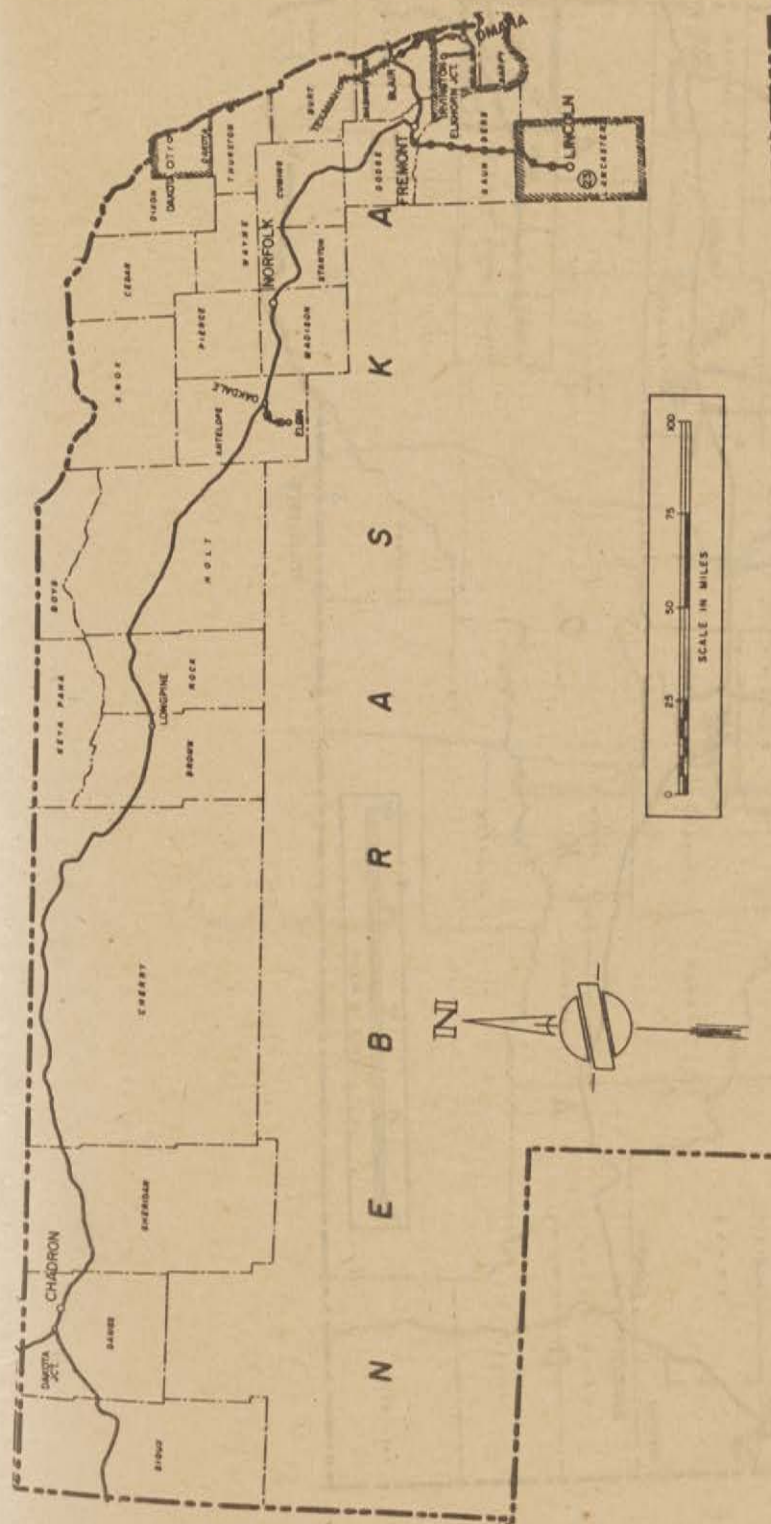
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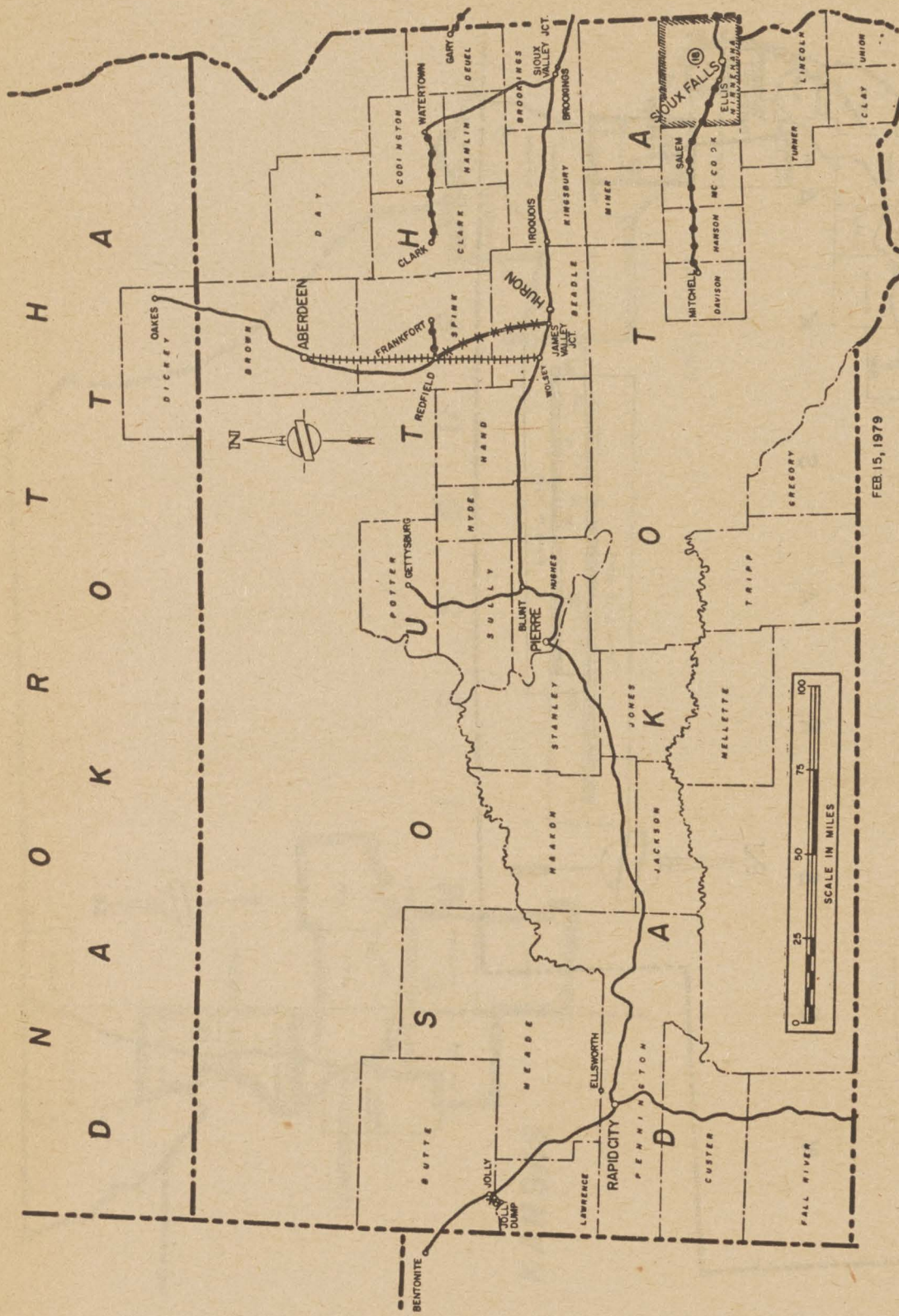


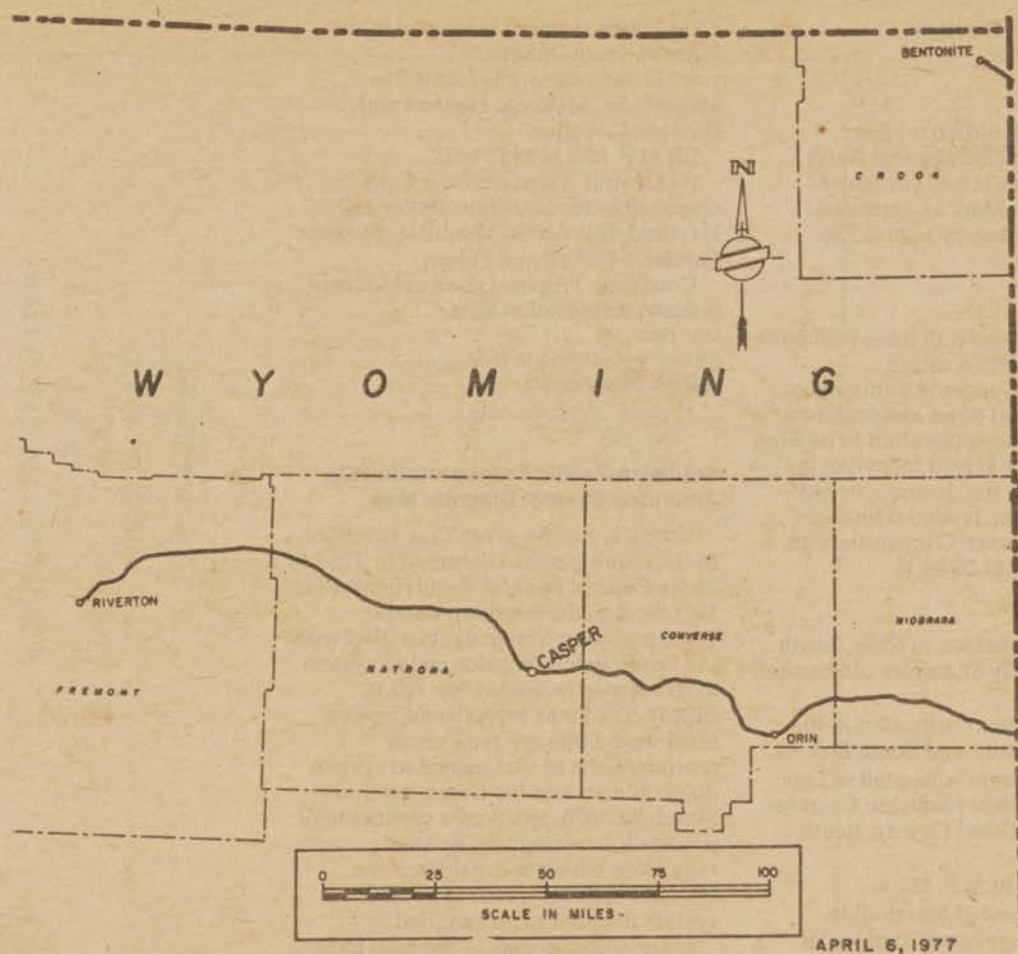


APRIL 6, 1977



REV. FEB. 15, 1979





BILLING CODE 7035-01-C

*Chicago & North Western
Transportation Co.*

AB-1

Description of additional line identified on the Chicago and North Western Transportation Company System Diagram Map, as amended, falling within Category 1. 49 C.F.R. Section 1121.21.

Category 1

All lines or portions of lines which the Chicago and North Western Transportation Company anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 C.F.R. Section 1121.20(b)(1).

Minnesota

(a) Tracy, Minnesota to Gary, South Dakota (Northerly 57.3 miles of Marshall Subdivision).

(b) Entire segment is located in the States of Minnesota and South Dakota.

(c) Entire segment is located in Lyon, Lincoln, and Yellow Medicine Counties, Minnesota and Deuel County, South Dakota.

(d) M.P. 227.6 to M.P. 284.9.

(e) Central agent at Marshall is responsible for associate stations of Amiret, Ghent, Minneota, Taunton, Porter, Camby, Burr and Gary.

Comment: Proposal does not include industries located at Tracy.

*Chicago & North Western
Transportation Co.*

AB-1

Description of additional line identified on the Chicago and North Western Transportation Company System Diagram Map, as amended, falling within Category 1. 49 C.F.R. Section 1121.21.

Category 1

All lines or portions of lines which the Chicago and North Western Transportation Company anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 C.F.R. Section 1121.20(b)(1).

South Dakota

(a) Ellis to Mitchell, South Dakota (Westerly 65.2 miles of Sioux Falls Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Minnehaha, McCook, Hanson and Davison Counties.

(d) M.P. 65.5 to M.P. 130.7.

(e) Central Agent at Sioux Falls is responsible for associate stations of Hartford, Humboldt, Montrose, Spencer, Farmer, Mitchell and Fulton.

Comment: Proposal does not include industries located at Ellis.

[AB 1 (SDM)]

[FR Doc. 79-11745 Filed 4-13-79; 8:45 am]

[BILLING CODE 7035-01]

**Southern Pacific Transportation Co.
Amended System Diagram Map**

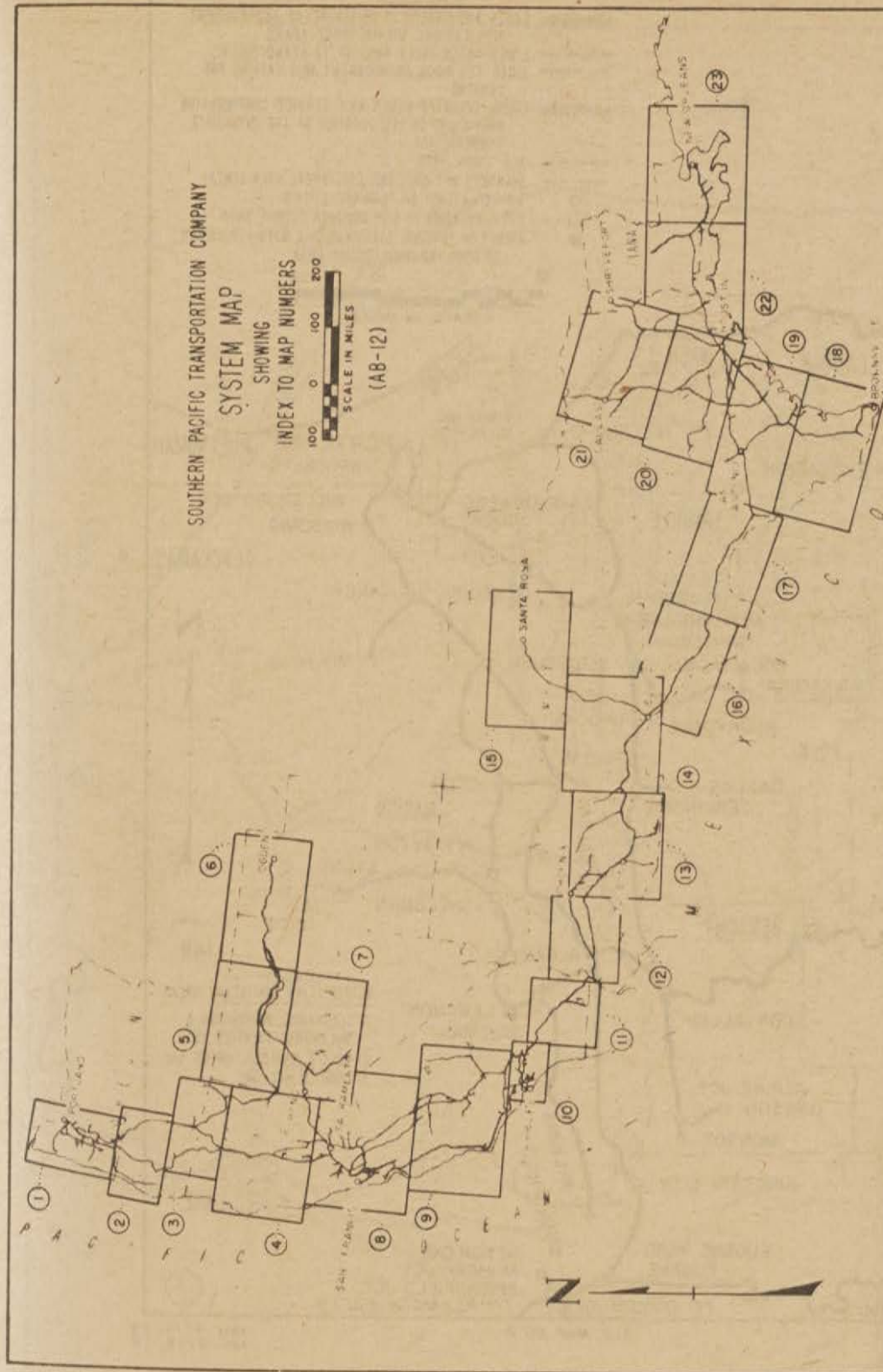
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company, has filed with the Commission its color-coded system diagram map in docket No. AB 12 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 12 (SDM).

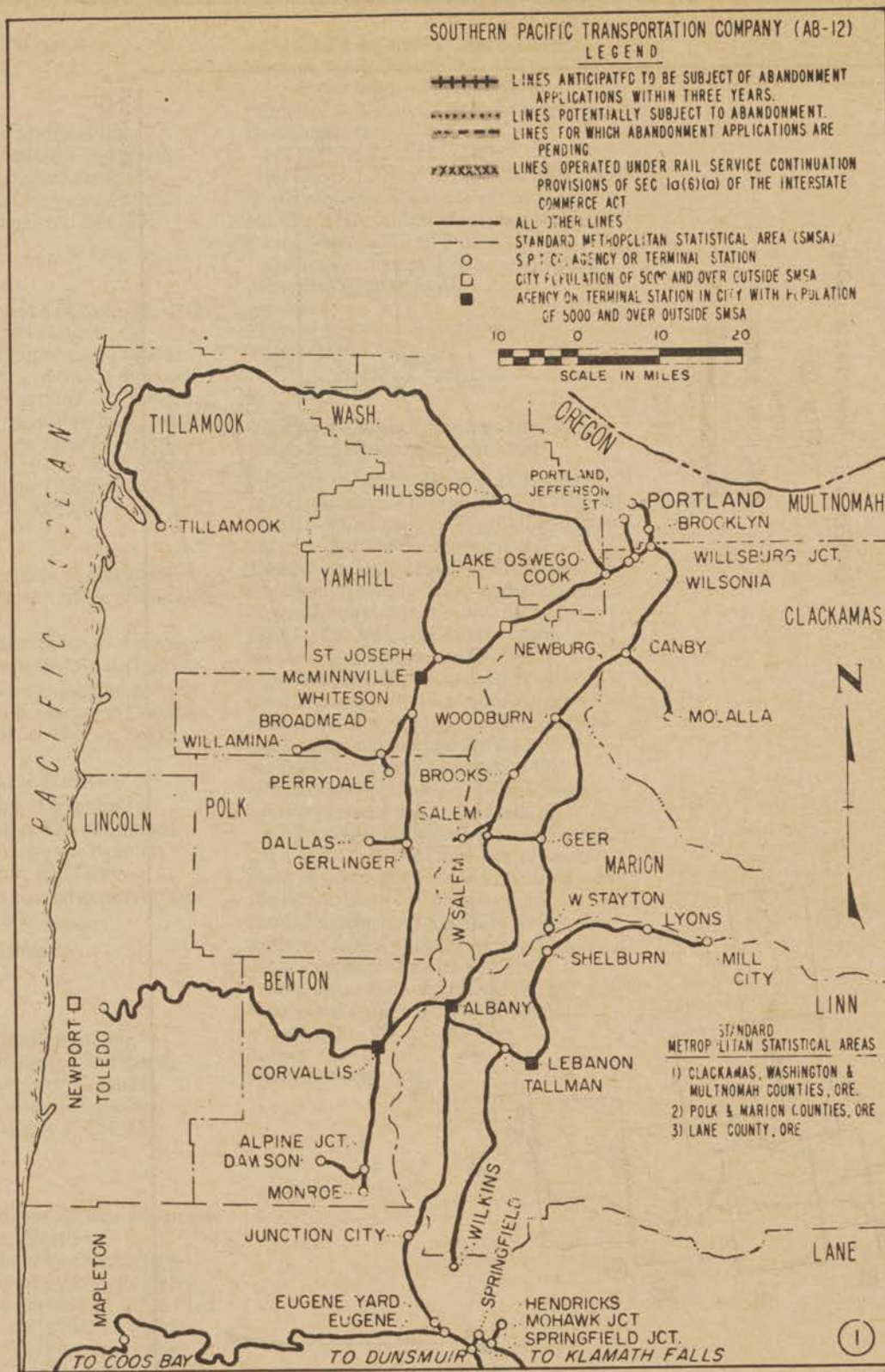
H. G. Homme, Jr.,

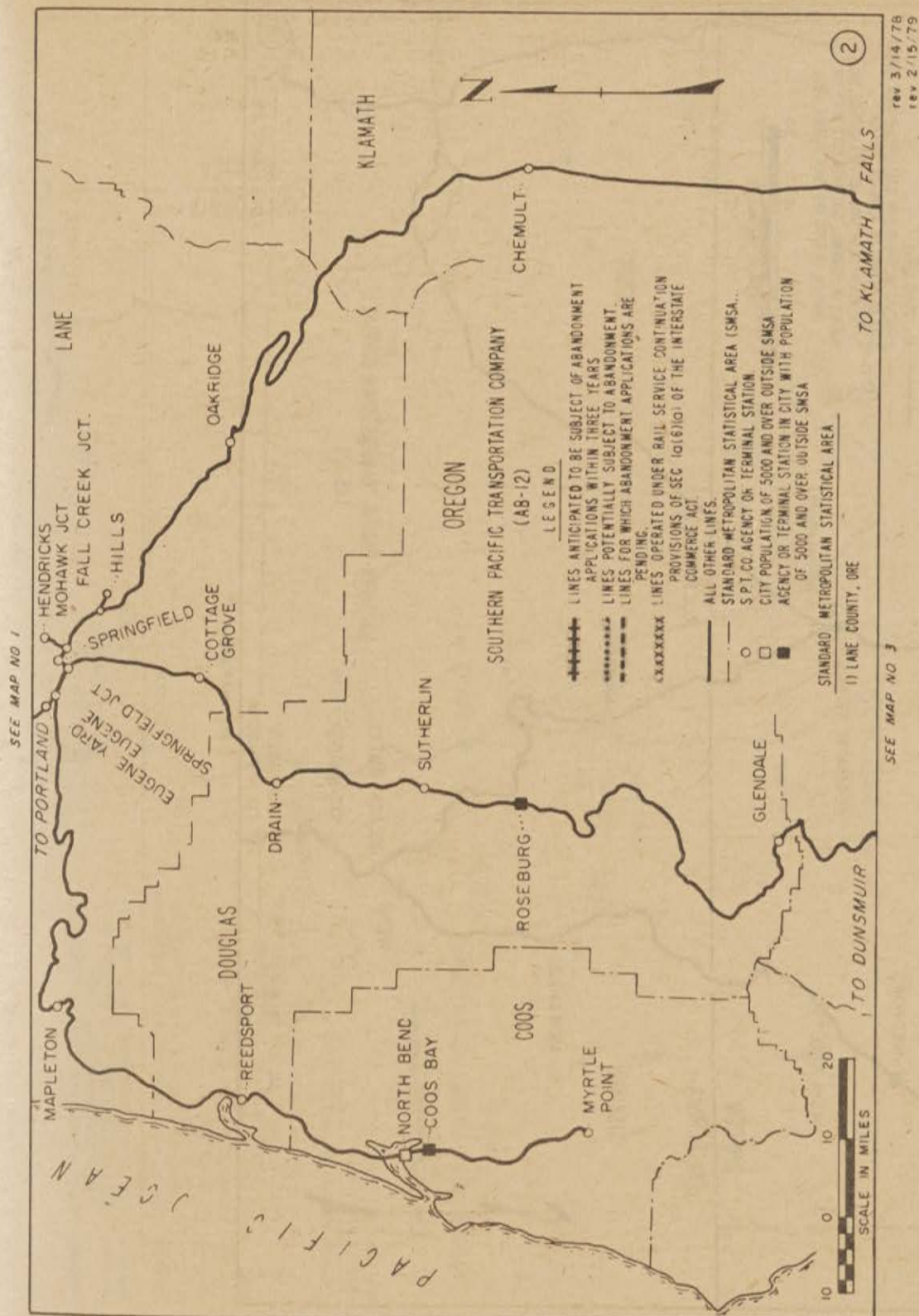
Secretary.

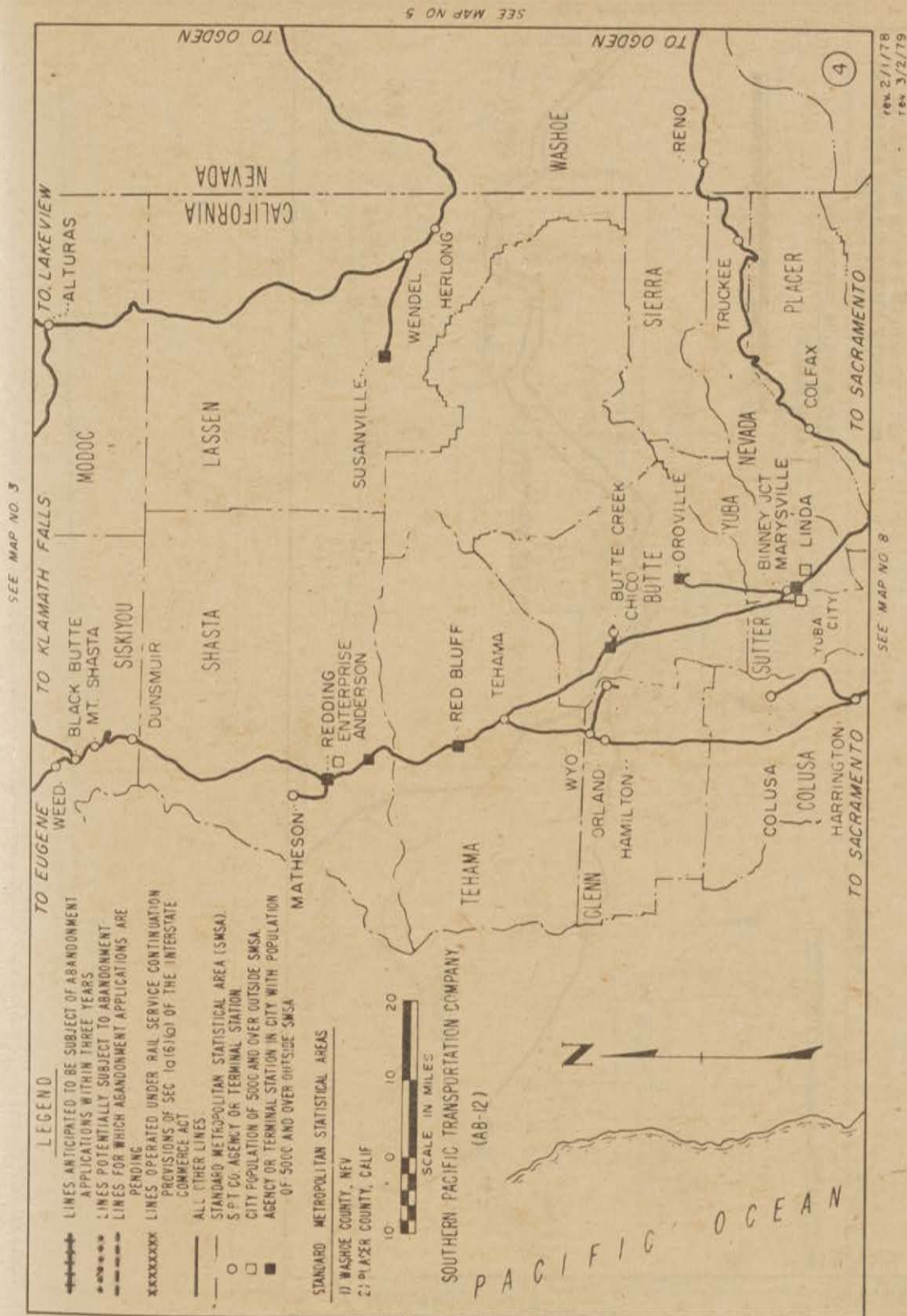
[BILLING CODE 7035-01-M]

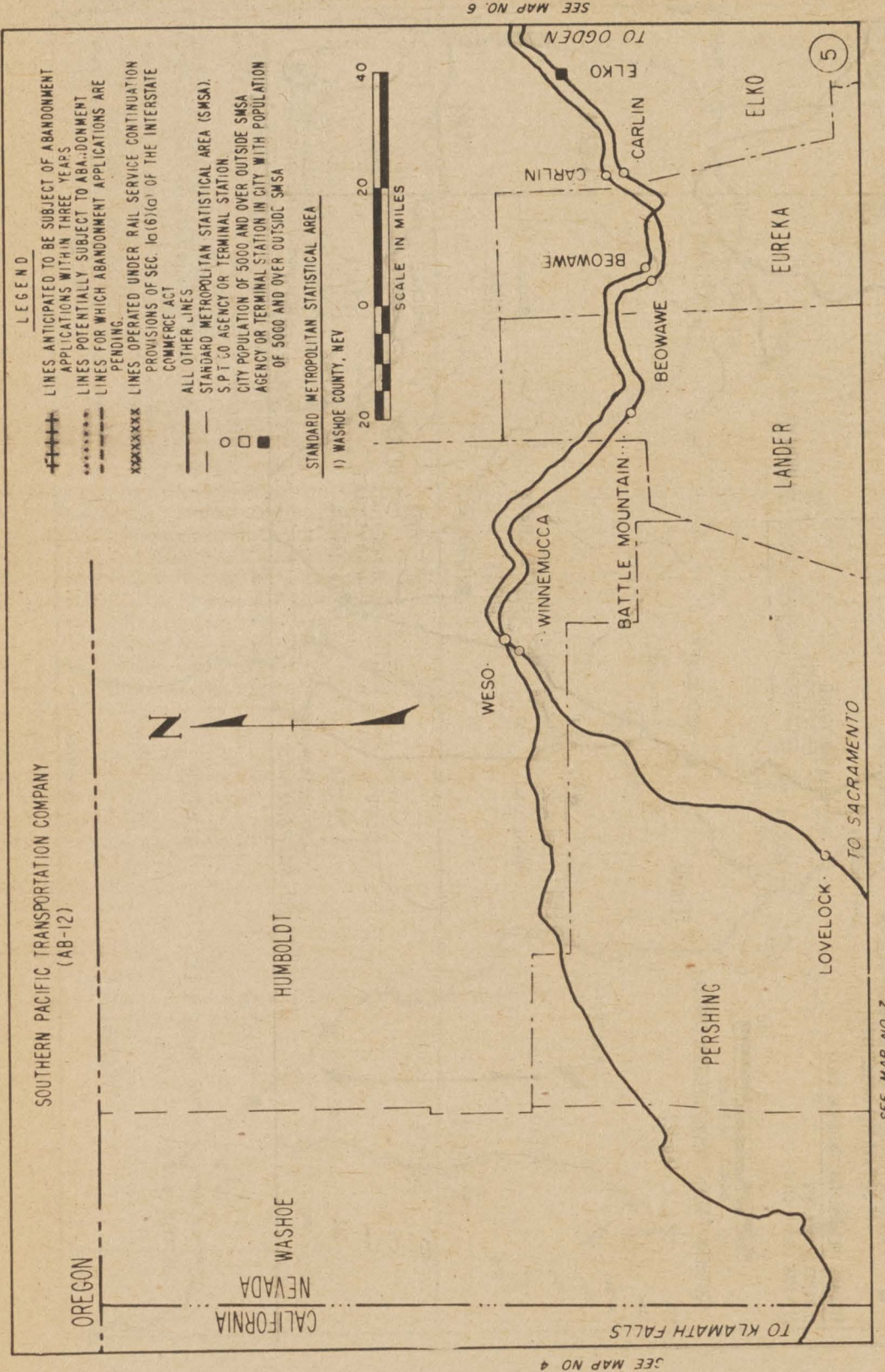


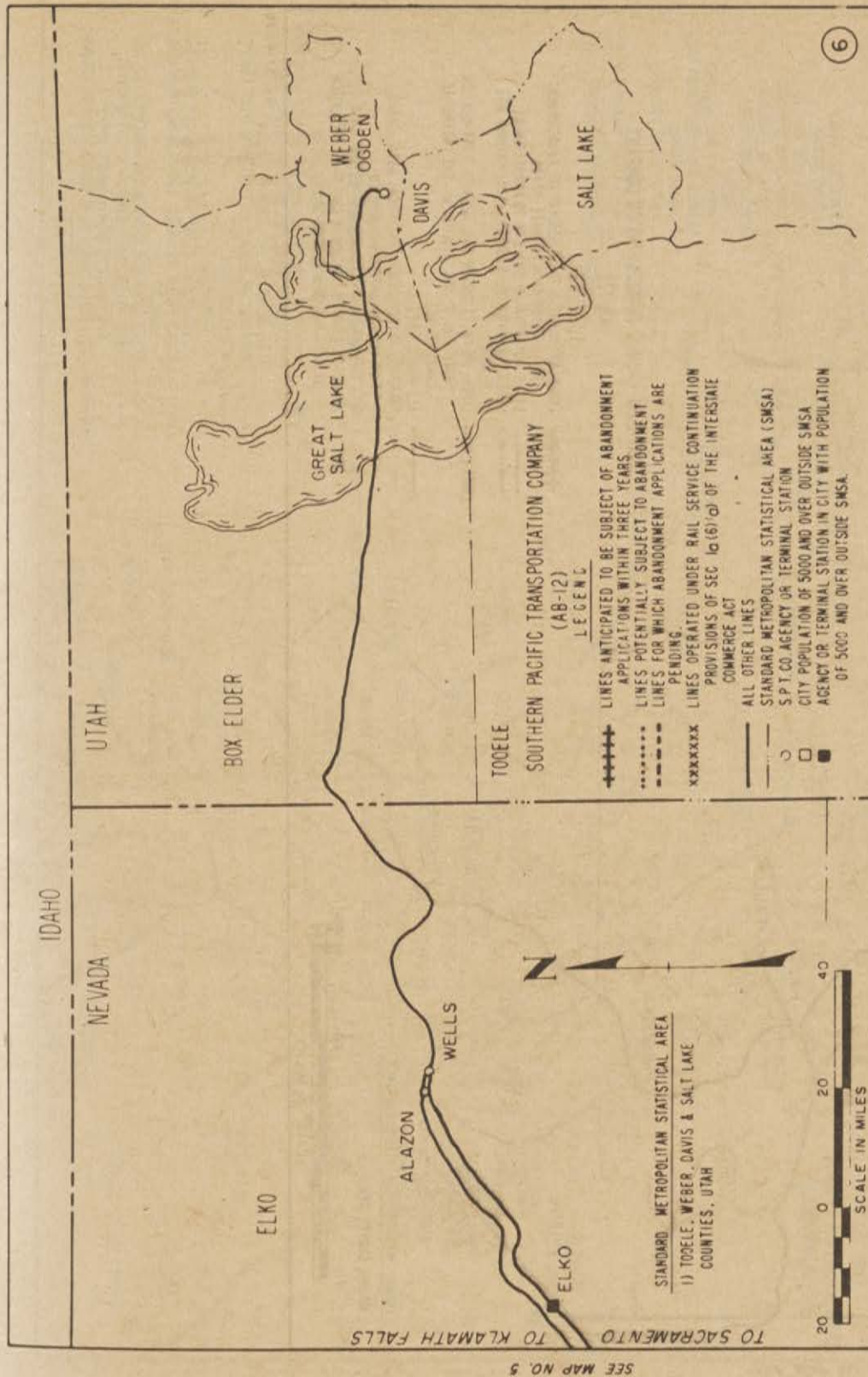
rev. 3/14/78
rev. 2/15/79

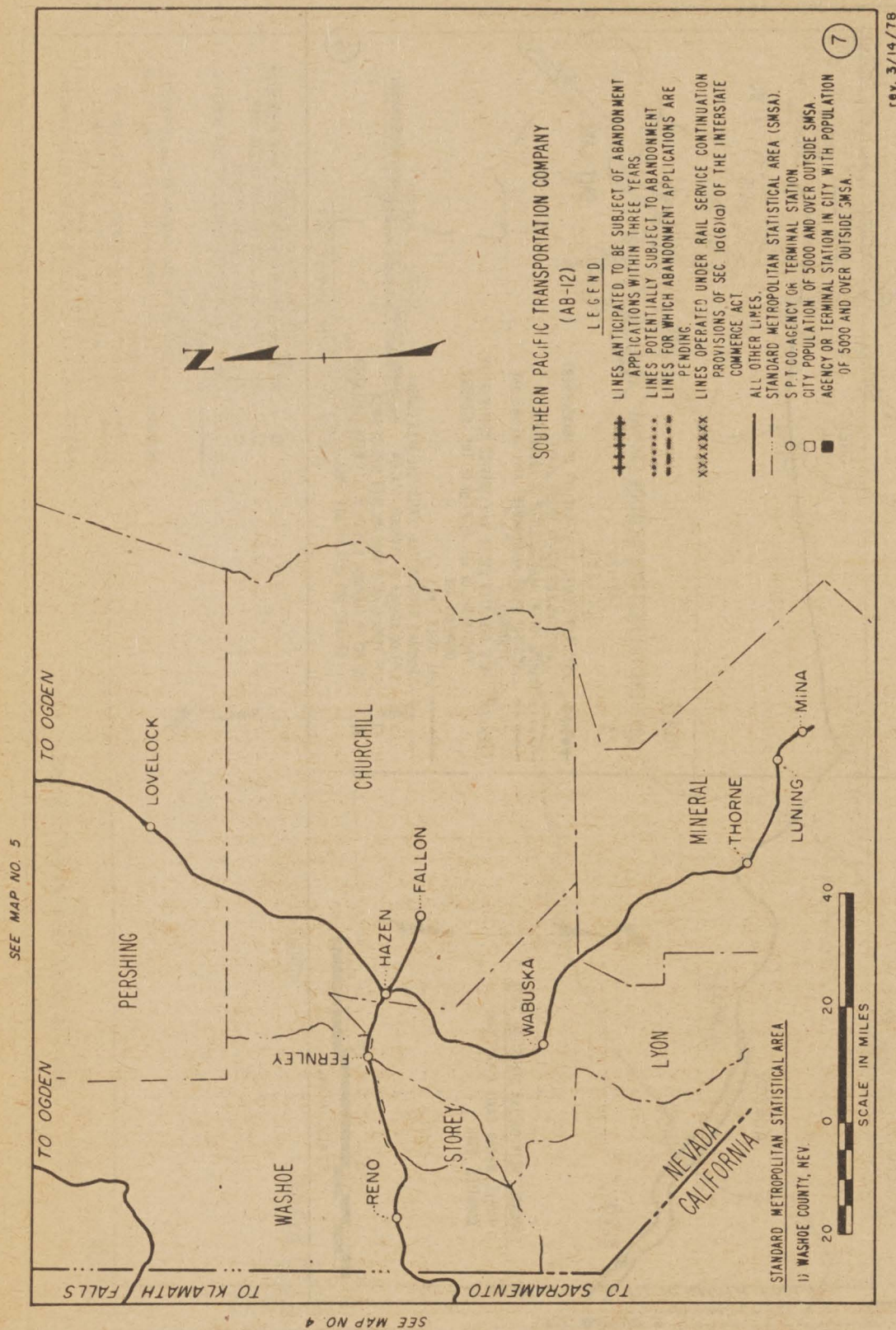


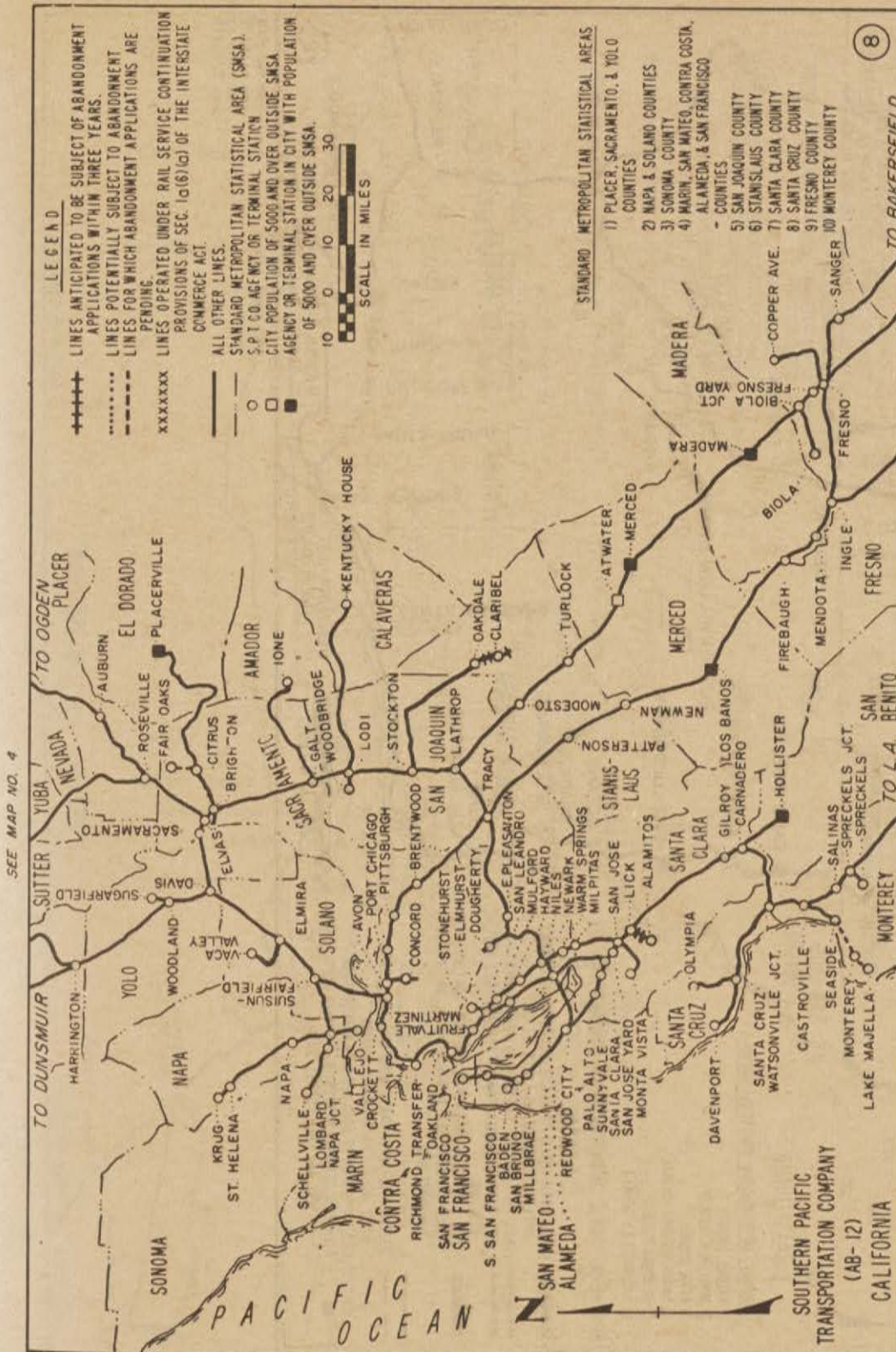










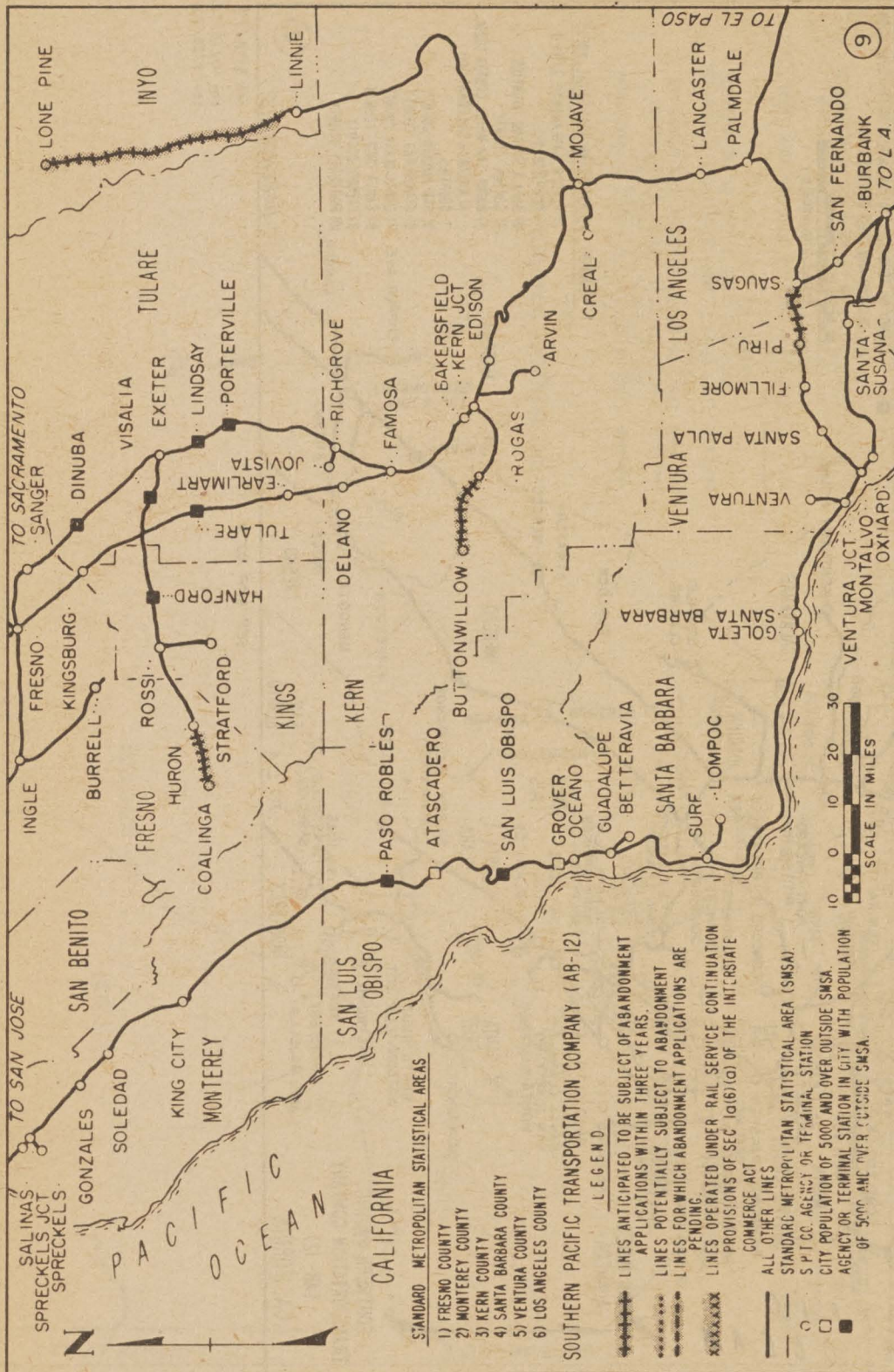


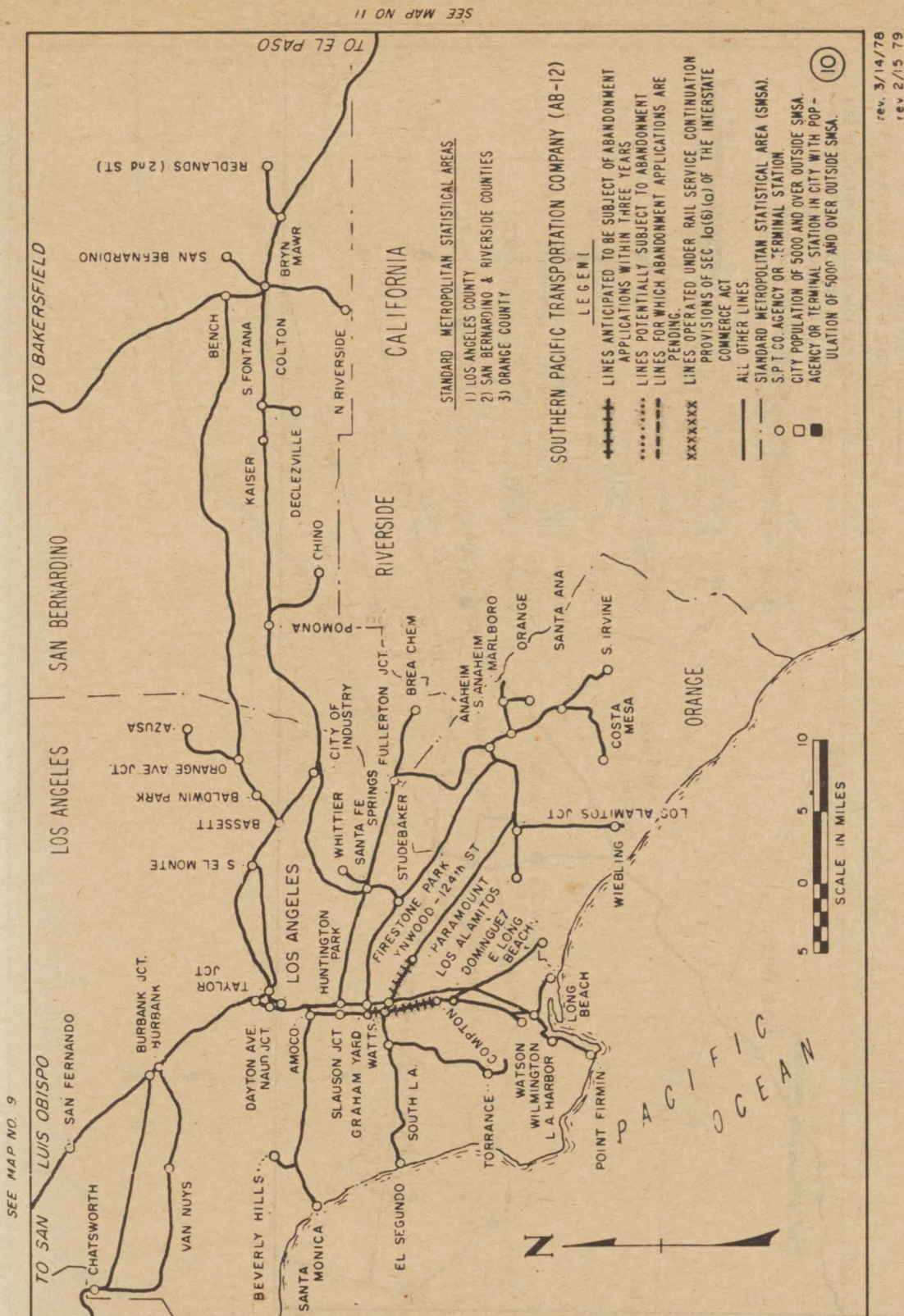
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REV. 10/13/78

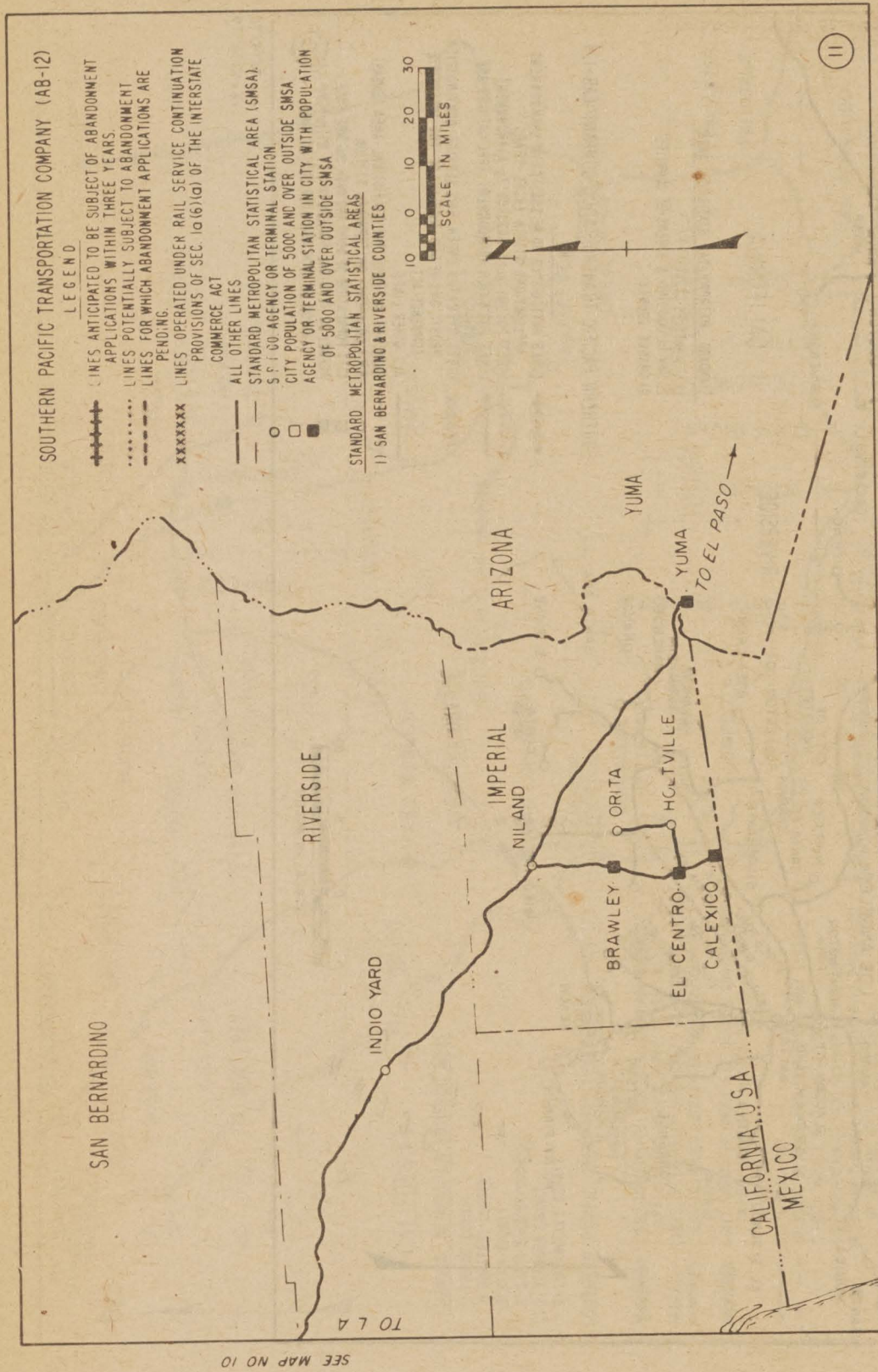
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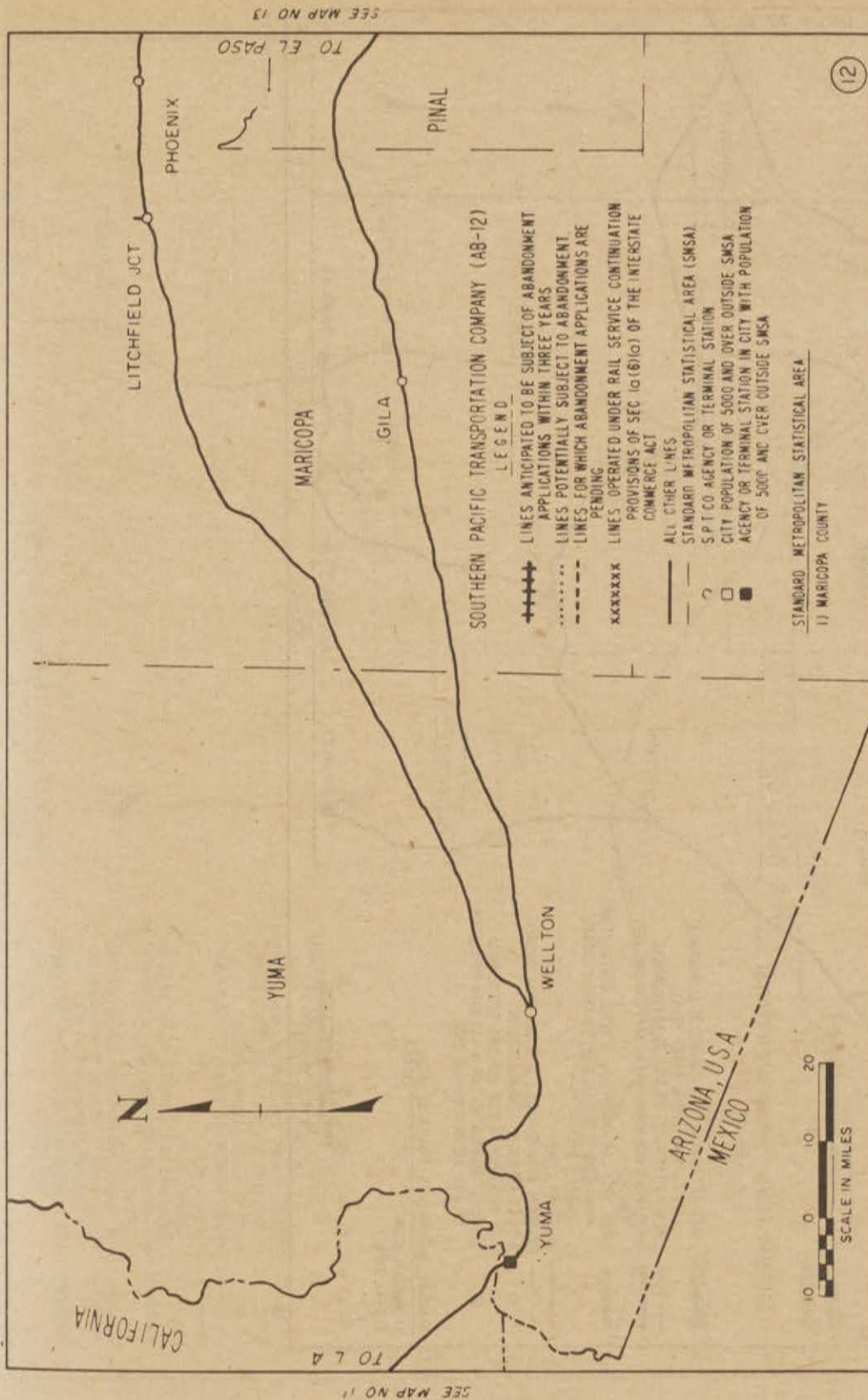
SEE MAP NO. 8

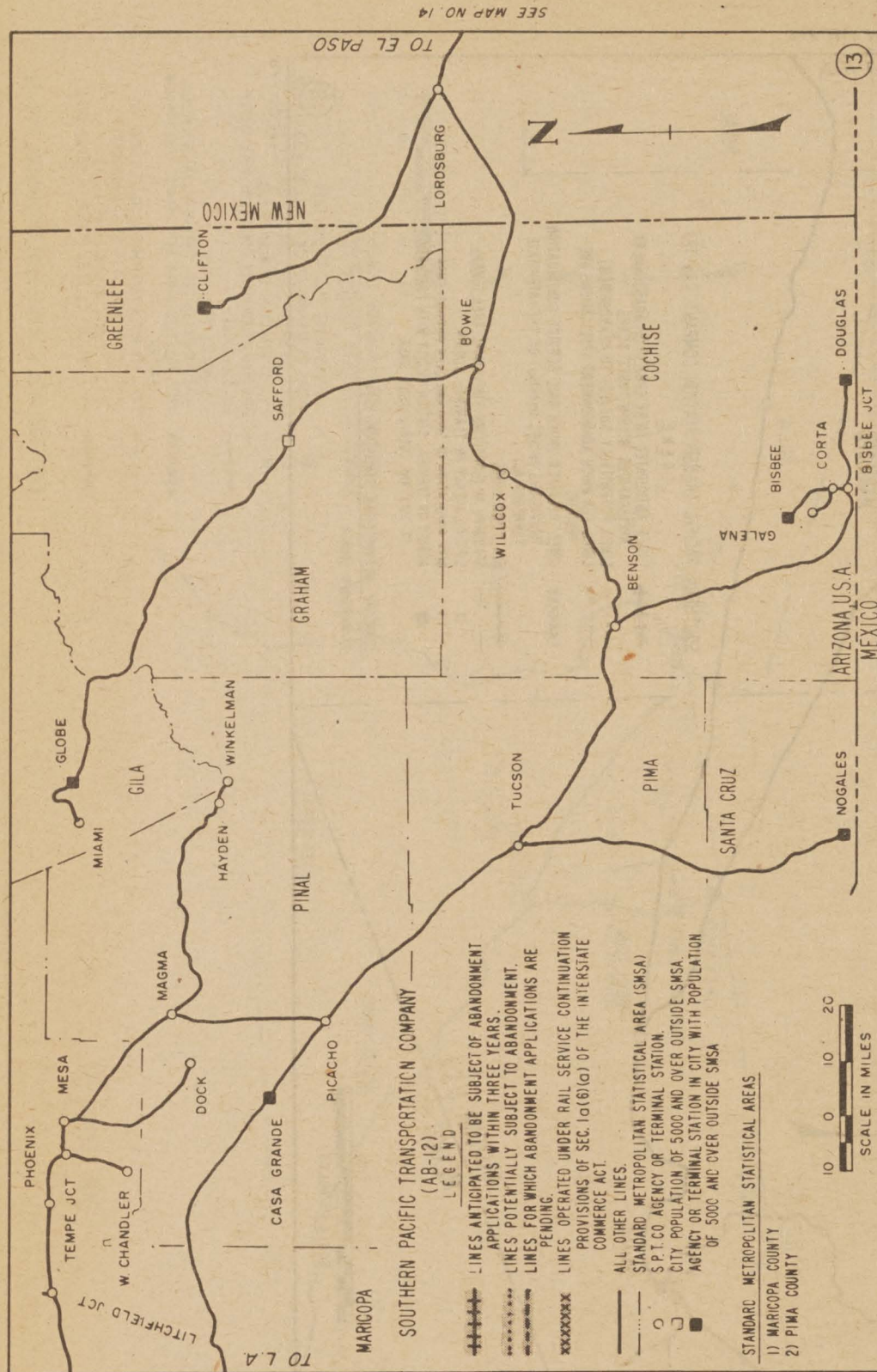


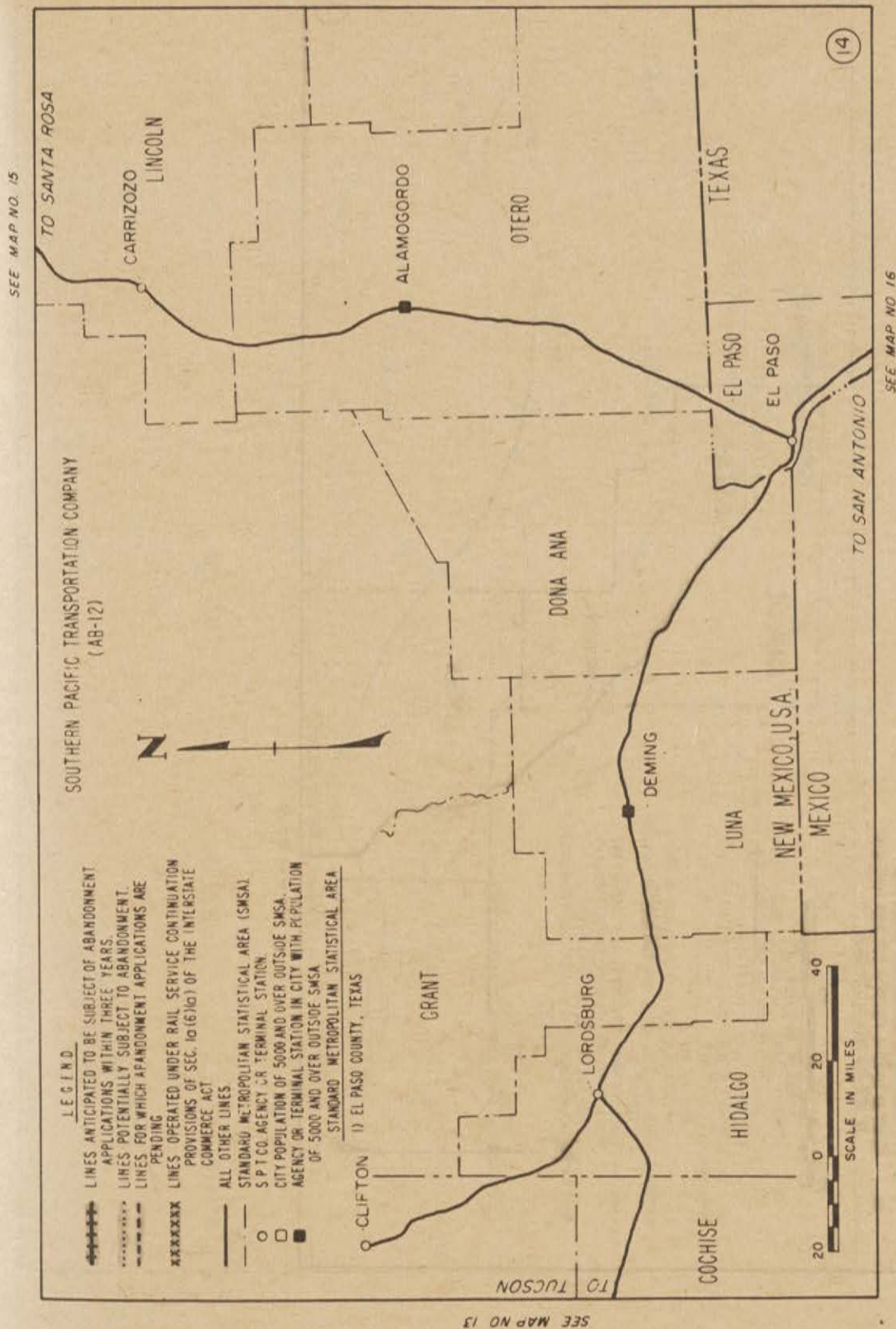


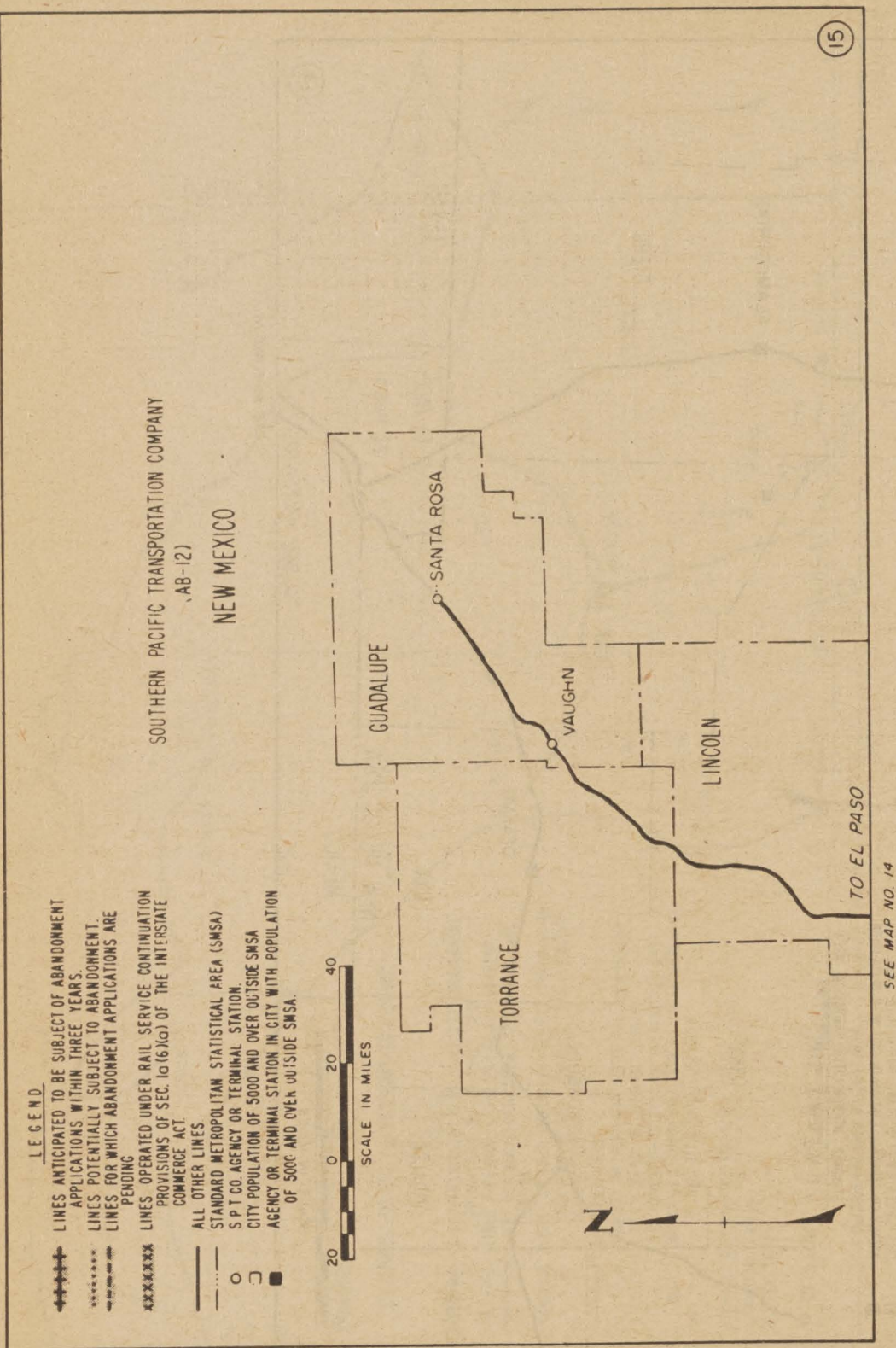
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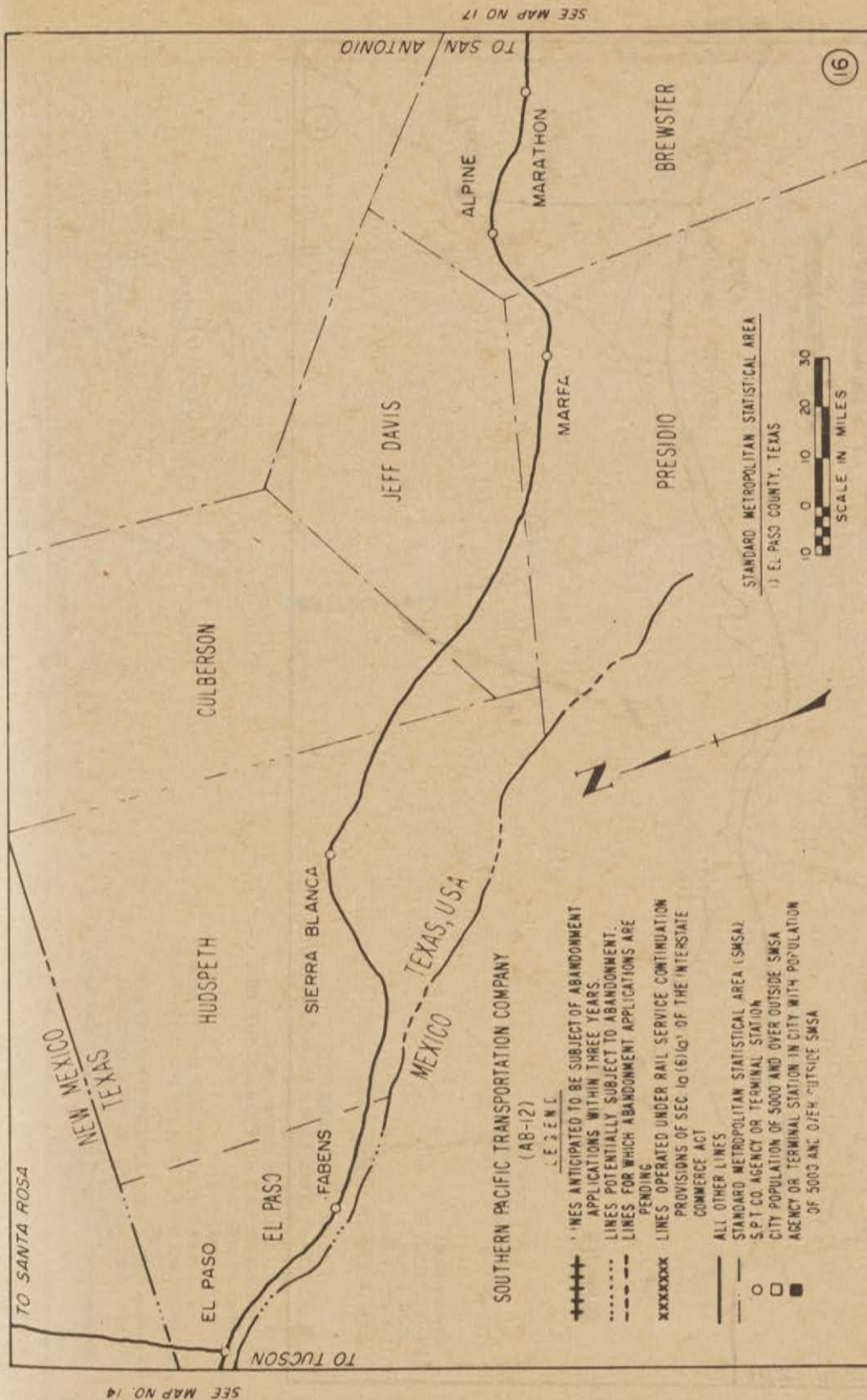


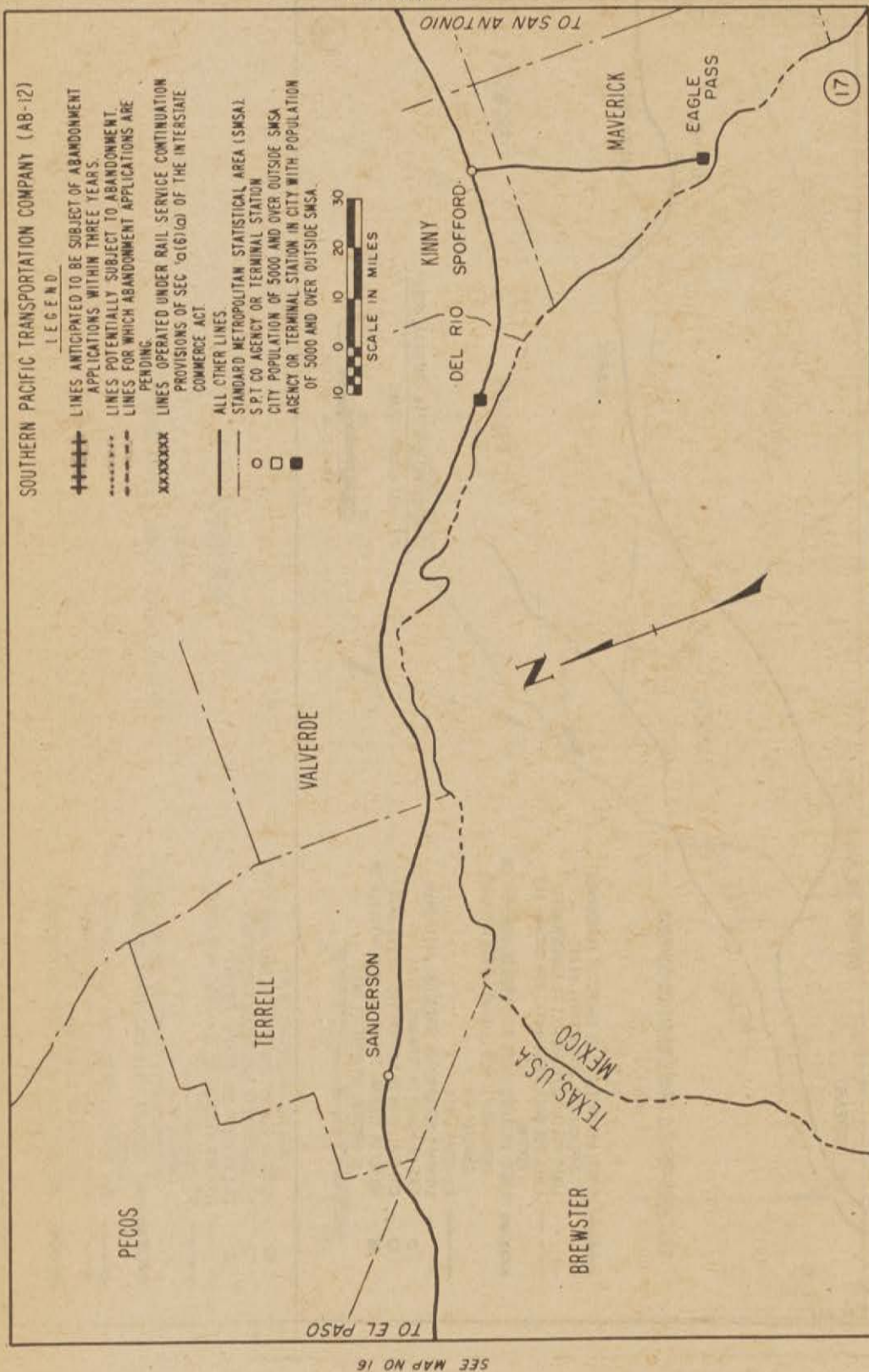




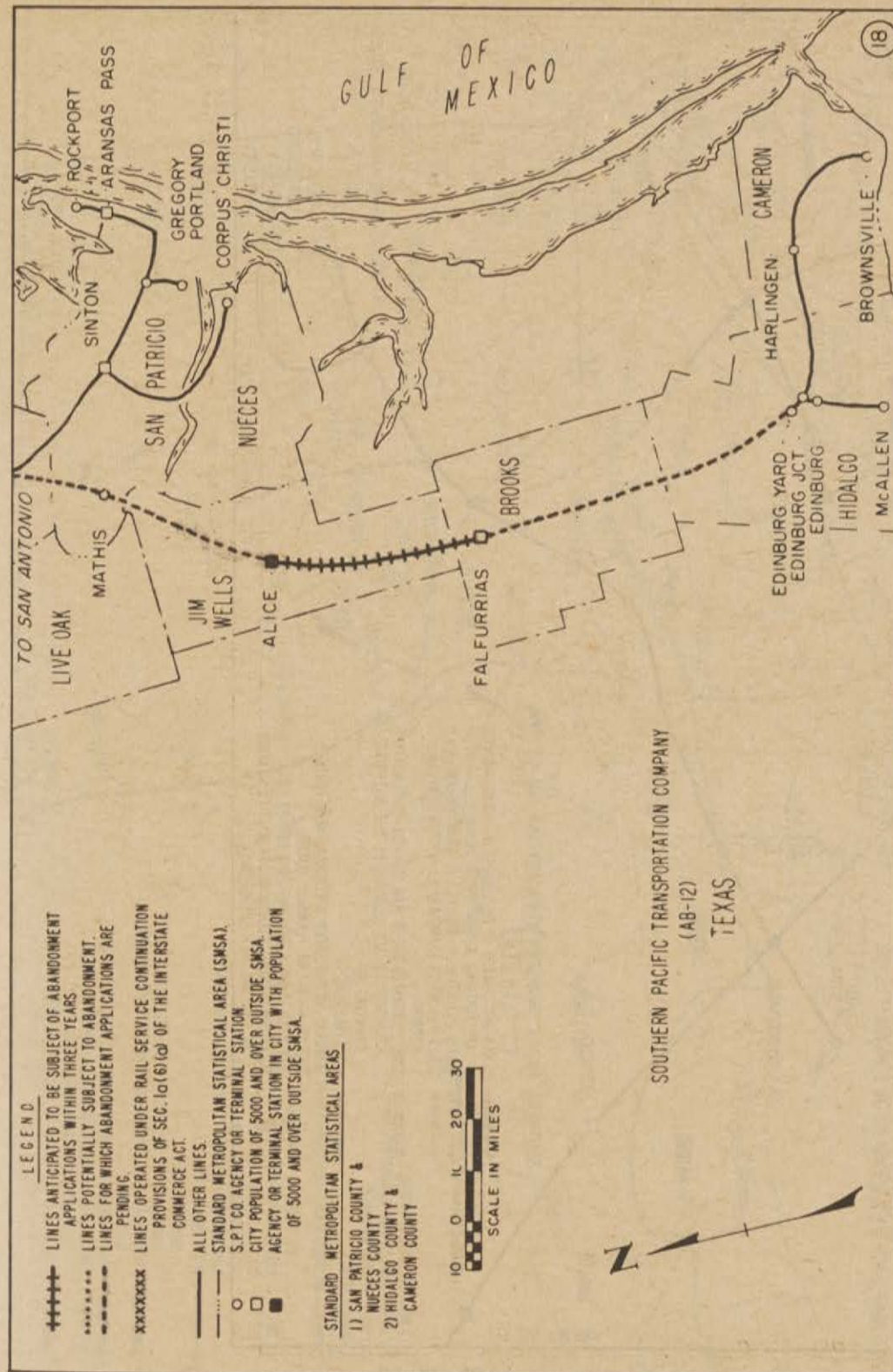




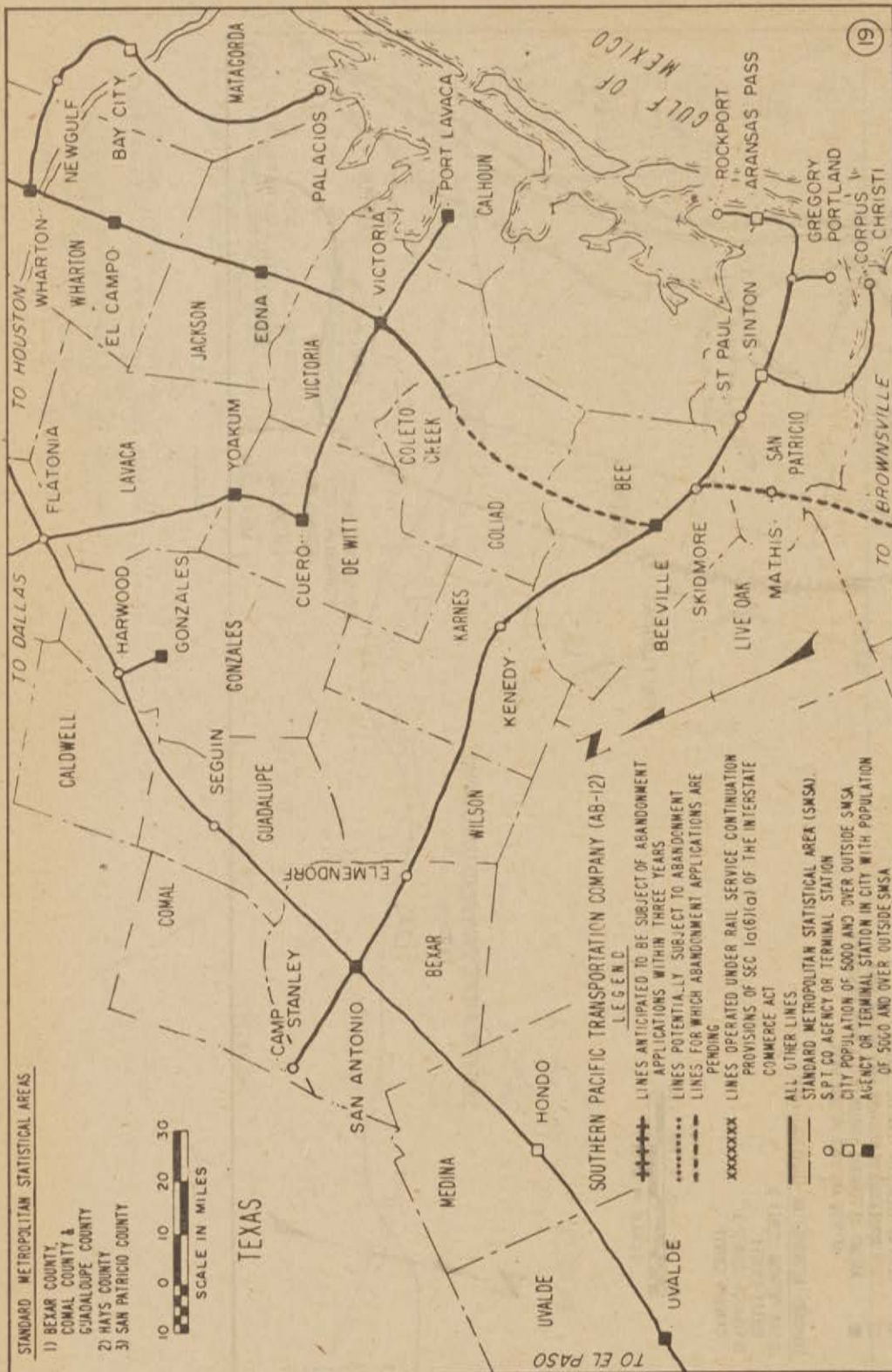




SEE MAP NO. 19



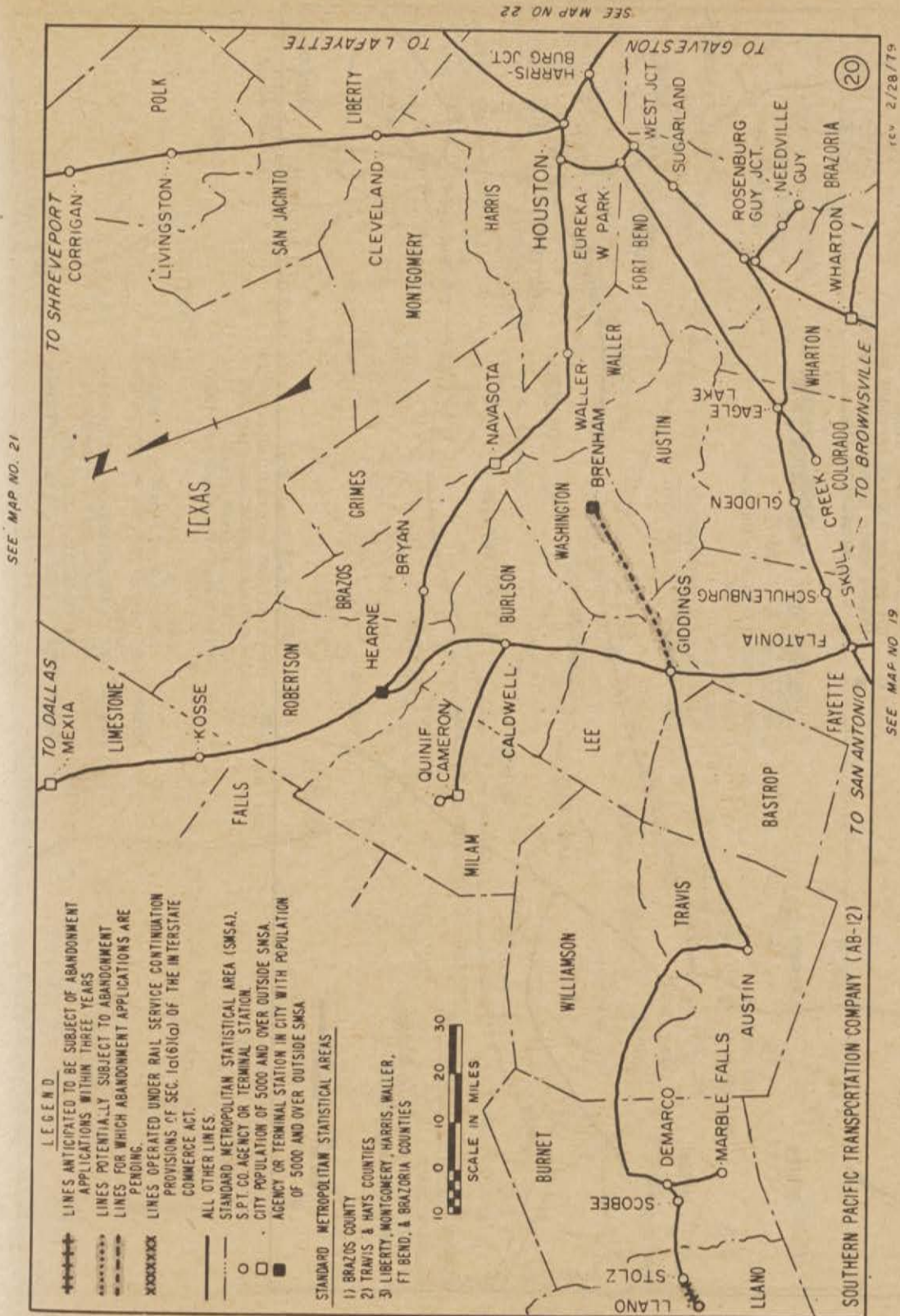
SEE MAP NO 20

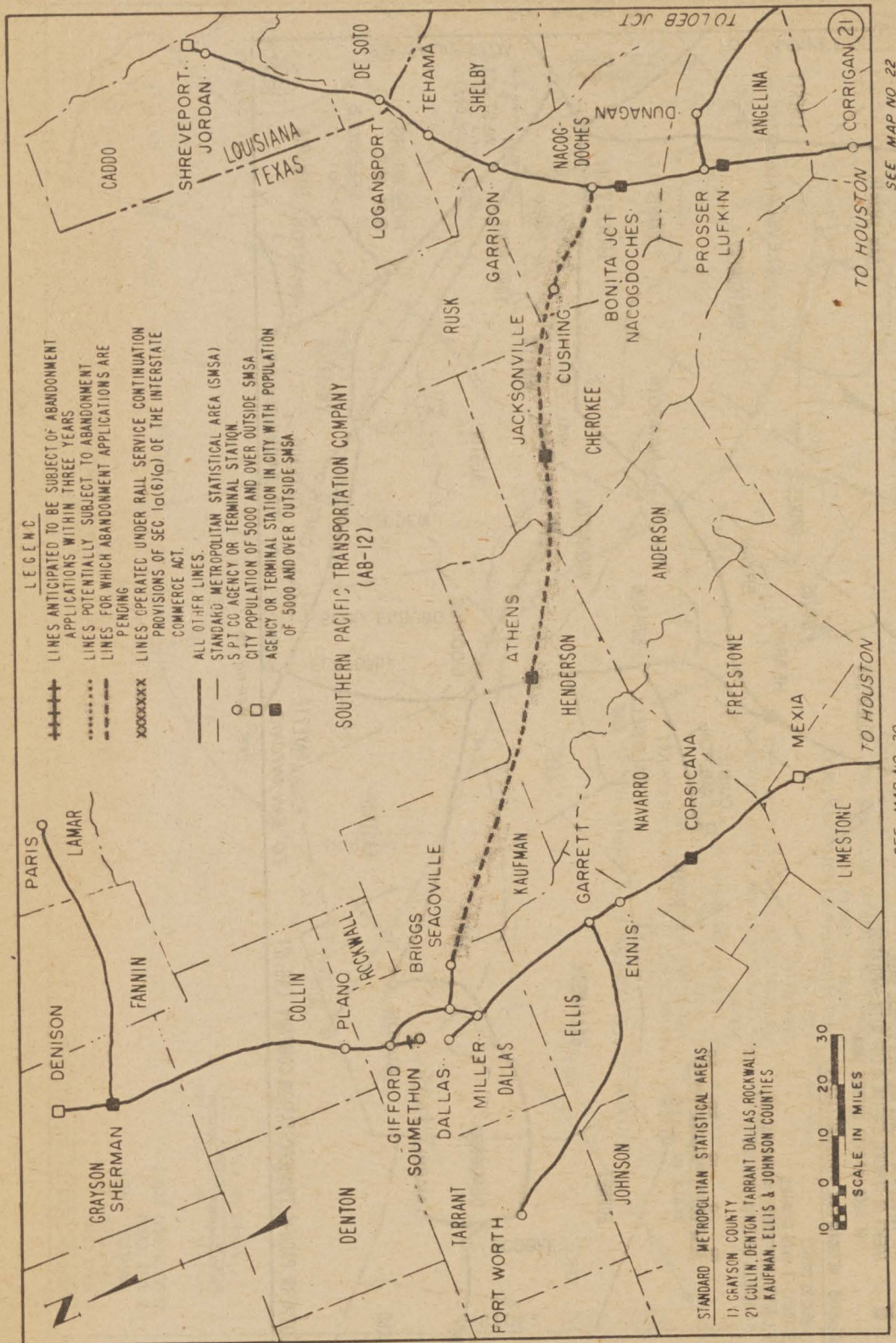


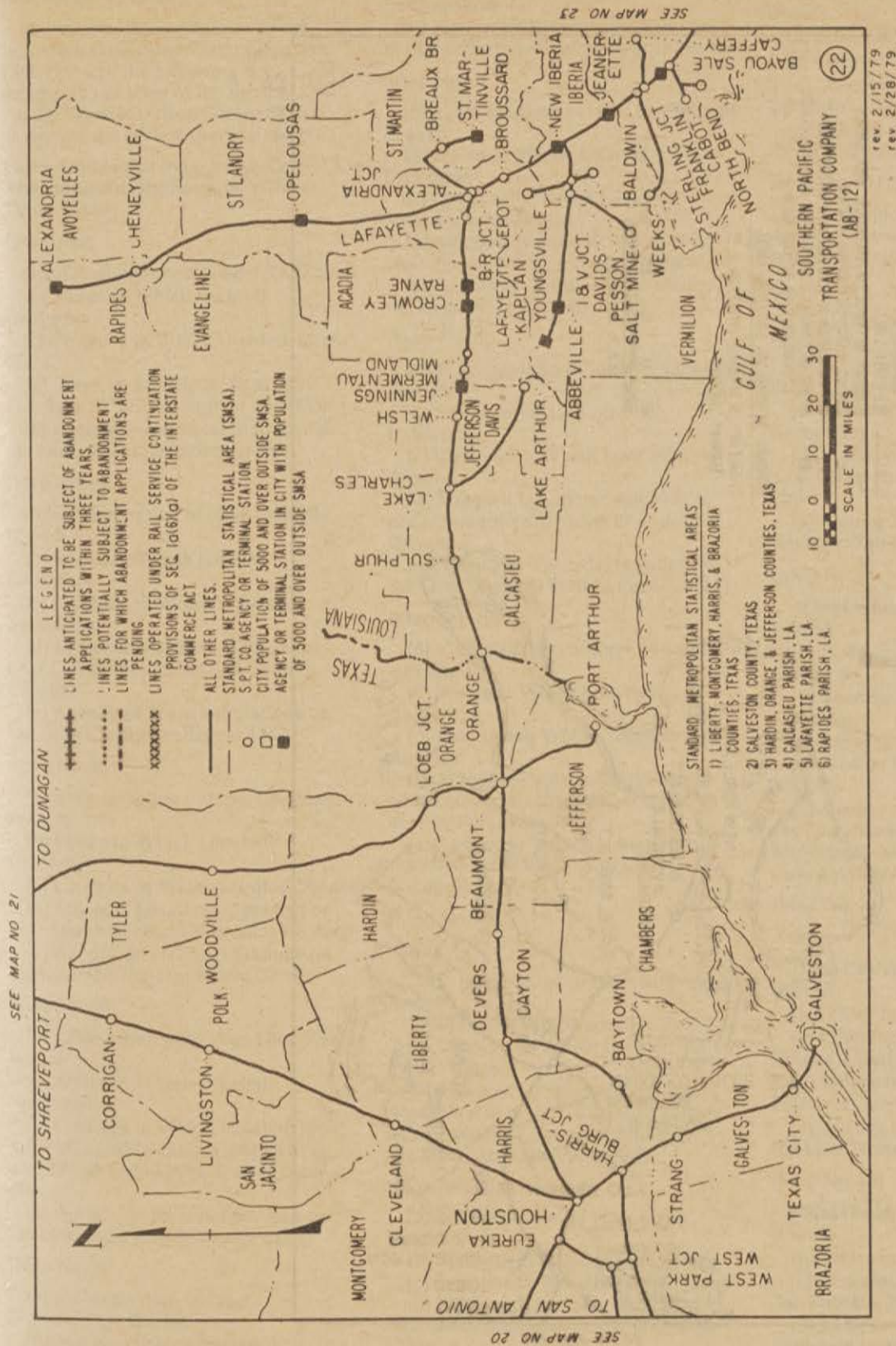
SEE MAP NO 17

REV 2/15/79
REV 2/23/79

SEE MAP NO 18







SOUTHERN PACIFIC TRANSPORTATION COMPANY*

(AB-12)

LEGEND

- ++++ LINES ANTICIPATED TO BE SUBJECT OF ABANDONMENT APPLICATIONS WITHIN THREE YEARS
- ***** LINES POTENTIALLY SUBJECT TO ABANDONMENT.
- LINES FOR WHICH ABANDONMENT APPLICATIONS ARE PENDING.
- xxxxxxx LINES OPERATED UNDER RAIL SERVICE CONTINUATION PROVISIONS OF SEC. 10161(a) OF THE INTERSTATE COMMERCE ACT
- ALL OTHER LINES.
- STANDARD METROPOLITAN STATISTICAL AREA (SMSA).
- SPT CO AGENCY OR TERMINAL STATION
- CITY POPULATION OF 5000 AND OVER OUTSIDE SMSA
- AGENCY OR TERMINAL STATION IN CITY WITH POPULATION OF 5000 AND OVER OUTSIDE SMSA.

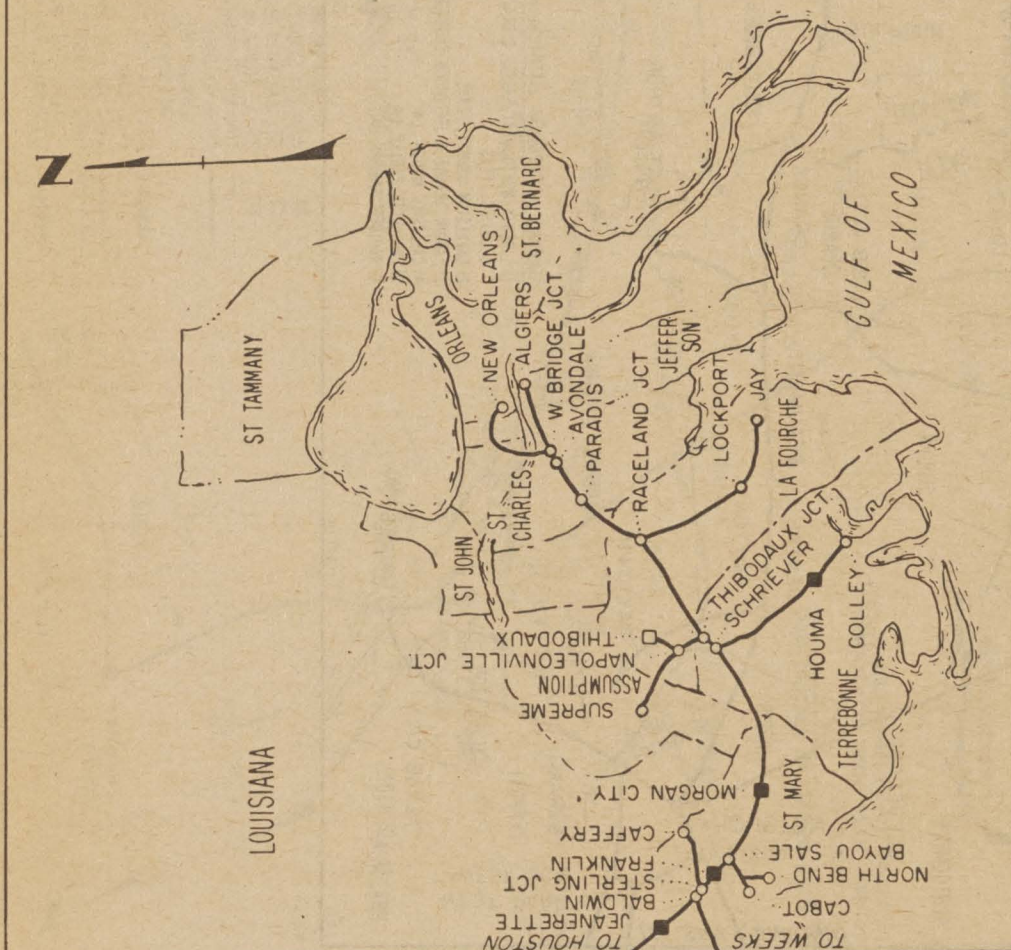
STANDARD METROPOLITAN STATISTICAL AREAS

- 1) ORLEANS, ST. BERNARD, JEFFERSON & ST. TAMMANY PARISHES



(23)

rev. 2/15/79



SEE MAP NO 22

BILLING CODE 7035-01-C

Southern Pacific Transportation Co.*Description of Lines.*

Pursuant to the regulations of the Interstate Commerce Commission (49 CFR 1121.21), the following is a description of lines of the Southern Pacific Transportation Company as shown on the system diagram map:

Lines Anticipated to be Subject of Abandonment Applications Within Three Years*California*

- (1)(a) Designation of Line: Lick Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Santa Clara
 (d) Milepost Locations: 55.24 at or near Lick to 58.97 at or near Alamitos
 (e) Agency or Terminal Stations on the Line: Alamitos (milepost 58.9)
 (Map No. 8)

- (2)(a) Designation of Line: Oakdale Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Stanislaus
 (d) Milepost Locations: 124.4 at or near Oakdale to 127.02 at or near Claribel
 (e) Agency or Terminal Stations on the Line: Claribel (milepost 126.3)
 (Map No. 8)

- (3)(a) Designation of Line: Coalinga Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Fresno
 (d) Milepost Locations: 280.65 at or near Huron to 296.39 at or near Coalinga
 (e) Agency or Terminal Stations on the Line: Coalinga (milepost 295.4)
 (Map No. 9)

- (4)(a) Designation of Line: Lone Pine Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Inyo
 (d) Milepost Locations: 461.96 at or near Linnie to 519.34 at or near Lone Pine
 (e) Agency or Terminal Stations on the Line: Lone Pine (milepost 518.8)
 (Map No. 9)

- (5)(a) Designation of Line: Buttonwillow Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Kern

- (d) Milepost Locations: 332.15 at or near Rogas to 347.00 at or near Buttonwillow

- (e) Agency or Terminal Stations on the Line: Buttonwillow (milepost 346.3)
 (Map No. 9)

- (6)(a) Designation of Line: Santa Paula Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Ventura, Los Angeles
 (d) Milepost Locations: 431.59 at or near Piru to 448.17 at or near Saugus
 (e) Agency or Terminal Stations on the Line: Piru (milepost 431.8)
 (Map No. 9)

- (7)(a) Designation of Line: Wilmington Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Los Angeles
 (d) Milepost Locations: 489.30 at or near Graham Yard to 495.27 at or near Compton
 (e) Agency or Terminal Stations on the Line: Graham Yard (milepost 489.7)
 (Map No. 10)

- (8)(a) Designation of Line: West Santa Ana Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Los Angeles
 (d) Milepost Locations: 491.88 at or near Lynwood—124th Street to 495.14 at or near Paramount
 (e) Agency or Terminal Stations on the Line: Lynwood—124th Street (milepost 492.7)
 (Map No. 10)

Texas

- (1)(a) Designation of Line: Brownsville Branch
 (b) States in Which Located: Texas
 (c) Counties in Which Located: Jim Wells, Brooks
 (d) Milepost Locations: 40.90 at or near Alice to 80.2 at or near Falfurrias
 (e) Agency or Terminal Stations on the Line: Llano (milepost 98.8)
 (Map No. 18)

- (2)(a) Designation of Line: Llano Branch
 (b) States in Which Located: Texas
 (c) Counties in Which Located: Llano
 (d) Milepost Locations: 90.50 at or near Stolz to milepost 99.07 at or near Llano
 (e) Agency or Terminal Stations on the Line: Llano (milepost 98.8)

(Map No. 20)

- (3)(a) Designation of Line: Soumethun Branch
 (b) States in Which Located: Texas
 (c) Counties in Which Located: Dallas
 (d) Milepost Locations: 269.813 to 269.156 at or near Soumethun
 (e) Agency or Terminal Stations on the Line: Soumethun (milepost 269.4)
 (Map No. 21)

Lines for Which Abandonment Applications are Pending Before the Interstate Commerce Commission*California*

- (1)(a) Designation of Line: Fair Oaks Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Sacramento
 (d) Milepost Locations: 104.37 at or near Citrus to 106.36 at or near Fair Oaks
 (e) Agency or Terminal Stations on the Line: Fair Oaks (milepost 106.3)
 (Map No. 8)

- (2)(a) Designation of Line: Monterey Branch
 (b) States in Which Located: California
 (c) Counties in Which Located: Monterey
 (d) Milepost Locations: 123.30 at or near Seaside to 130.0 at or near Lake Majella
 (e) Agency or Terminal Stations on the Line: Seaside (milepost 123.3), Monterey (milepost 125.7), Lake Majella (milepost 130.0)
 (Map No. 8)

Texas

- (1)(a) Designation of Line: Brownsville Branch
 (b) States in Which Located: Texas
 (c) Counties in Which Located: Brooks, Hidalgo
 (d) Milepost Locations: 80.2 at or near Falfurrias to 138.9 at or near Edinburg
 (e) Agency or Terminal Stations on the Line: None
 (Map No. 18)

- (2)(a) Designation of Line: Beeville Branch
 (b) States in Which Located: Texas
 (c) Counties in Which Located: Bee, San Patricio, Jim Wells
 (d) Milepost Locations: 1.0 at or near Skidmore to 40.9 at or near Alice
 (e) Agency or Terminal Stations on the Line: Mathis (milepost 14.1)

(Maps No. 18 and 19)

- (3)(a) Designation of Line: Beeville Branch
(b) States in Which Located: Texas
(c) Counties in Which Located: Victoria, Goliad, Bee
(d) Milepost Locations: 93.7 at or near Victoria to 145.0 at or near Beeville
(e) Agency or Terminal Stations on the Line: None

(Map No. 19)

- (4)(a) Designation of Line: Austin Branch
(b) States in Which Located: Texas
(c) Counties in Which Located: Washington, Lee, Fayette
(d) Milepost Locations: 20.86 at or near Brenham to 55.78 at or near Giddings
(e) Agency or Terminal Stations on the Line: Brenham (milepost 21.0)

(Map No. 20)

- (5)(a) Designation of Line: Athens Branch
(b) States in Which Located: Texas
(c) Counties in Which Located: Dallas, Kaufman, Henderson, Anderson, Cherokee
(d) Milepost Locations: 298.70 at or near Seagoville to 203.43 at or near Jacksonville
(e) Agency or Terminal Stations on the Line: Athens (milepost 243.0)

(Map No. 21)

- (6)(a) Designation of Line: Jacksonville Branch
(b) States in Which Located: Texas
(c) Counties in Which Located: Cherokee, Rusk, Nacogdoches
(d) Milepost Locations: 203.43 at or near Jacksonville to 154.56 at or near Bonita Junction
(e) Agency or Terminal Stations on the Line: Jacksonville (milepost 201.2), Cushing (milepost 172.1), Bonita Junction (milepost 154.6)

(Map No. 21)

[AB 12 (SDM)]

[FR Doc. 79-11746 Filed 4-13-79; 8:45 am]

BILLING CODE 7035-01-M

No. AB 15 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 15 (SDM).

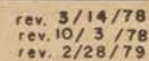
H. G. Homme, Jr.,

Secretary.

BILLING CODE 7035-01-M

**INTERSTATE COMMERCE
COMMISSION****Petaluma & Santa Rosa Railroad Co.;
Amended System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121, 23, that the Petaluma and Santa Rosa Railroad Company, has filed with the Commission its amended color-coded system diagram map in docket



Petaluma & Santa Rosa Railroad Co.*Description of Lines*

Pursuant to the regulations of the Interstate Commerce Commission (49 CFR 1121.21), the following is a description of lines of the Petaluma and Santa Rosa Railroad Company as shown on the system diagram map:

Lines Anticipated to be Subject of Abandonment Applications Within Three Years in the State of California

- (1)(a) Designation of Line: Main Line
- (b) States in Which Located: California
- (c) Counties in Which Located: Sonoma
- (d) Milepost Locations: 1.212 at or near Petaluma to 3.587 at or near Denman
- (e) Agency or Terminal Stations on the Line: Denman (milepost 3.587)

[AB 15 (SDM)]

[FR Doc. 79-11747 Filed 4-13-79; 8:45 am]

BILLING CODE 7035-01-M

St. Joseph & Grand Island Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the St. Joseph & Grand Island Railroad Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 34 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 34 (SDM).

H. G. Homme, Jr.,

Secretary.

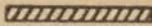
[AB 34 (SDM)]

[FR Doc. 79-11748 Filed 4-13-79; 8:45 am]

BILLING CODE 7035-01-M

SYSTEM DIAGRAM MAP of the ST. JOSEPH & GRAND ISLAND
RAILROAD CO. AB No. 34 prepared in conjunction with I.C.C.
Order Ex Parte No. 274 (Sub-No. 2) and Title 49 of the
code of Federal Regulation 1121.

* L E G E N D *

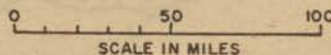
Lines or portions of lines anticipated to be
the subject of an abandonment or discontinuance
application within three years shown-----① 

Lines or portions of lines potentially subject
to abandonment which are under study and which
may be the subject of a future abandonment
application because of either anticipated
operating losses or excessive rehabilitation
costs, as compared to potential revenues shown--② 

Lines or portions of lines for which an
abandonment or discontinuance application is
pending before the Interstate Commerce
Commission shown-----③ 

Lines or portions of lines which are being
operated under rail service continuance
provisions shown-----④ 

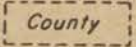
All other St. Joseph & Grand Island Railroad Co. lines shown -- 

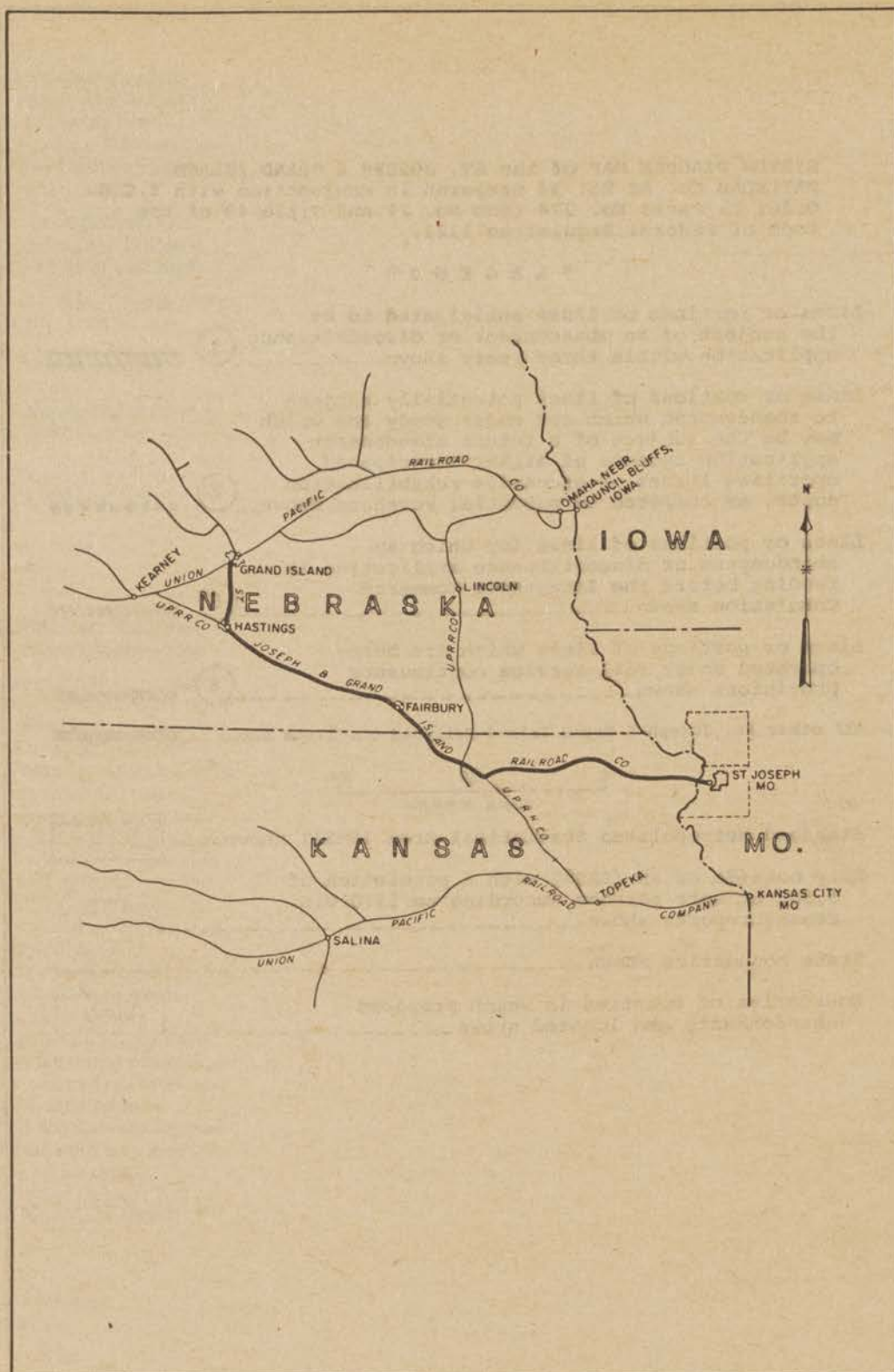


Standard Metropolitan Statistical Area (SMSA) shown----- 

City outside of an (SMSA) with a population of
5,000 or more persons according to 1970 U.S.
Census reports shown----- 

State boundaries shown----- 

Boundaries of counties in which proposed
abandonments are located shown----- 



Certified to be a true copy
of the original document

G. M. Pabor

BILLING CODE 7035-01-C

Sunshine Act Meetings

Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Communications Commission	2, 3, 4
Federal Election Commission	5
Federal Energy Regulatory Commission	6, 7, 8
Federal Mine Safety and Health Review Commission	9
International Trade Commission	10
Legal Services Corporation	11
Nuclear Regulatory Commission	12

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-719-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, April 17, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

Proposed Final Amendments to Sex Discrimination Guidelines and Addition of Questions and Answers concerning the Pregnancy Discrimination Act.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; Armando M. Rodriguez, Commissioner; J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued April 12, 1979.

[S-734-79 Filed 4-12-79; 3:03 pm]

BILLING CODE 6570-06-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, April 12, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

General—1—Modification of the Public Notice which is required by the Sunshine Act.

The Commission will consider the following item and substitute it for the above deleted item on the Agenda.

Agenda, Item No., and Subject:

General—1—Research funding for A.T. & T. Rate of Return proceeding.

In addition, the Commission will consider the following item:

Agenda, Item No., and Subject

General—2—Improvement to UHF-TV reception (Gen. Docket No. 78-391).

Information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number 202-632-7260.

Issued: April 9, 1979.

[S-728-79 Filed 4-12-79; 9:56 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, April 17, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTER TO BE CONSIDERED: Symposium: Adjudicatory Procedures Review Project.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number (202) 632-7260.

Issued: April 10, 1979.

[S-728-79 Filed 4-12-79; 9:56 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, April 17, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special closed Commission meeting.

MATTER TO BE CONSIDERED: Labor Relations Progress Report.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number 202-632-7260.

Issued: April 10, 1979.

[S-727-79 Filed 4-12-79; 9:56 am]

BILLING CODE 6712-01-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, April 19, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: 1979-2, 1979-10, 1979-12, 1979-7.

FEC staff communications direct to client where counsel appears.

Summary of closed MURS.
Appropriations and budget.

Pending legislation: Preliminary discussion of response to Senate Rules Committee on S. 623.

1980 elections and related matters.
Classification actions.
Routine administrative matters.

Portions closed to the public (following open session).

Audits. Compliance. Personnel. Litigation. Labor/management relations.

PERSONS TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-735-79 Filed 4-12-79; 3:16 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., April 18, 1979.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Lois D. Cashell, Acting Secretary, 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

Power Agenda—288th Meeting, April 18, 1979, Regular Meeting (10 a.m.)

CAP-1. Project No. 1971, Idaho Power Co.
CAP-2. Docket Nos. ER79-214, ER79-215, and ER79-232, Carolina Power & Light Co.
CAP-3. Docket No. ER79-249, CAPCO Pool.
CAP-4. Dockets Nos. E-8769, E-8770, E-9119, ER76-216, ER76-218, ER76-219 and ER77-356, Florida Power & Light Co.

Miscellaneous Agenda—288th Meeting, April 18, 1979, Regular Meeting

CAM-1. Docket No. RM79-, Discontinuation of certain FERC forms.
CAM-2. ERA's proposed rule: Mandatory petroleum price regulations retailers—deletion of DOE octane posting requirements.
CAM-3. Docket No. RA79-21, A. Johnson & Co., Inc.
CAM-4. Docket No. RA79-22, Arizona Fuels Corp.
CAM-5. Texoma Pipeline Co.
CAM-6. Southern Natural Gas Co.
CAM-7. Holyoke Power & Electric Co.

Gas Agenda—288th Meeting, April 18, 1979, Regular Meeting

CAG-1. Docket No. RP73-77 (PGA No. 79-2), Alabama-Tennessee Natural Gas Co.
CAG-2. Docket No. RP77-125, Commercial Pipeline Co., Inc.
CAG-3. Docket No. RP77-142, Juarez Gas Co., S.A. V. Del Norte Natural Gas Co.
CAG-4. Docket No. IS79-7, ARCO Pipe Line Co. Docket No. OR78-1, BP Pipeline, Inc.
CAG-5. Docket No. CP79-119, Northwest Pipeline Corp.
CAG-6. Docket No. CP77-445, Colorado Interstate Gas Co. Docket No. CP77-455, El Paso Natural Gas Co. Docket No. CP77-457, Northwest Pipeline Corp. Docket No. CP77-462, Transwestern Pipeline Co.
CAG-7. Docket No. CI78-1207, Estate of H. L. Hunt.
CAG-8. Docket No. CI67-973, Mobil Oil Corp.
CAG-9. Docket No. CI64-821, Continental Oil Co. Docket No. CI76-491, Cleary Petroleum Corp. Docket No. CI65-555, King Resources Co. (now Phoenix Resource Co.)
CAG-10. Docket No. CI78-1003, Mineral Services Corp.
CAG-11. Docket No. CI78-867 et al., Tenneco Oil Co., et al.

CAG-12. Docket No. G-232, United Gas Pipe Line Co.

CAG-13. Docket No. CP78-475, Natural Gas Pipeline Co. of America.

Power Agenda—288th Meeting, April 18, 1979; Regular Meeting

I. Electric Rate Matters

ER-1. Docket No. ER79-107, Upper Peninsula Power Co.
ER-2. Docket No. ER79-97, Tucson Gas & Electric Co.
ER-3. Docket No. ER79-218, Dayton Power & Light Co.
ER-4. Docket Nos. ER79-216 and ER79-217, Boston Edison Co.

Miscellaneous Agenda—288th Meeting, April 18, 1979, Regular Meeting.

M-1. Docket No. RM79-35, Exemptions for small conduit hydroelectric facilities.
M-2. Docket No. RM79-, final part 273 regulations under Natural Gas Policy Act of 1978.
M-3. Docket No. RM79-, regulations governing applications for licenses for major projects-existing dams.
M-4. Docket No. RM79-22, amendment and clarification of interim regulations under the Natural Gas Policy Act or 1978 and regulations under the Natural Gas Act.
M-5. Docket No. RM79-16, proposed regulation modifying the time limit for Commission action R.D. & D. plans.

Gas Agenda—288th Meeting, April 18, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP71-11 (PGA76-1), Tennessee Natural Gas Lines, Inc., Docket No. RP76-71, Tennessee Public Service Commission, Complainant v. Tennessee Natural Gas Lines, Inc., respondent. Docket Nos. RP71-15 and RP75-28 (PGA76-1) (DCA76-1), East Tennessee Natural Gas Co., Docket No. RP76-70, Tennessee Public Service Commission, Complainant v. East Tennessee Natural Gas Co., respondent.
RP-2. Docket No. OR78-10, PACTEX Pipeline Co.
RP-3. Docket Nos. CP75-104, CP75-81 and CP75-16, High Island Offshore System.

II. Producer Certificate Matters

CI-1. Docket No. CI78-39, AMOCO Production Co. Docket No. CI78-713, Champlin Petroleum Co.
CI-2. Docket No. RI75-21, Independent Oil and Gas Association of West Virginia.

III. Pipeline Certificate Matters

CP-1. Docket No. CP76-492, National Fuel Gas Supply, Corp. and National Gas Storage Corp., Docket No. CP77-644, National Fuel Gas Supply Corp., Docket No. CP77-472, Transcontinental Gas Pipe Line Corp., Docket Nos. CP77-518 and CP77-519, Columbia Gas Transmission Corp. Docket Nos. CP77-569, CP77-570 and CP77-571, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CP-2. Docket No. CP74-192, Florida Gas Transmission Co.
CP-3. Docket No. CP78-99, Wyoming Interstate Gas System Docket No. CP78-

122, Northwest Pipeline Corp. Docket No. CP-78-178, Natural Gas Pipeline Co. of America. Docket No. CP78-206, El Paso Natural Gas Co.

Lois D. Cashell,
Acting Secretary.

[S-730-79 Filed 4-12-79; 10:48 am]

BILLING CODE 6740-02-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 4:30 p.m., April 11, 1979.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending civil litigation.

CONTACT PERSON FOR FURTHER

INFORMATION: Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

[S-732-79 Filed 4-12-79; 10:47 am]

BILLING CODE 6740-02-M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 21179, April 9, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 11, 1979.

CHANGE IN THE MEETING: The following has been added:

Item No., Docket No., and Company

RP-2—RP74-41 and RP78-87, Texas Eastern Transmission Corp.

Lois D. Cashell,
Acting Secretary.

[S-731-79 Filed 4-12-79; 10:47 am]

BILLING CODE 6740-02-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., April 11, 1979.

PLACE: Room 600, 1730 K Street NW, Washington, D.C.

STATUS: This meeting may be closed.

MATTER TO BE CONSIDERED: The Commission will consider and act upon the following:

5. MSHA (David Pasula et al) v. Consolidation Coal Company, PITT 78-458, PITT 79-35, PITT 79-36. (Petition for Discretionary Review).

It was determined by unanimous vote of the Commissioners that Commission business required that this matter be immediately scheduled for a Commission meeting and that no earlier

announcement of this action was possible.

CONTACT PERSON FOR MORE

INFORMATION: Joanne Kelley, 202-653-5632.

[S-736-79 Filed 4-12-79; 3:26 pm]

BILLING CODE 6820-12-M

10

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, April 26, 1979.

PLACE: Room 117, 701 E Street N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Methyl alcohol from Canada (Docket No. 566).
5. Any items left over from previous agenda.

Portions closed to the public:

6. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary, 202-523-0161.

[S-729-79 Filed 4-12-79; 10:11 am]

BILLING CODE 7020-02-M

11

LEGAL SERVICES CORP. (Advisory Presidential Search Committee meeting.)

TIME AND DATE: 10 a.m., Thursday, April 19, 1979.

PLACE: Marriott O'Hare, 8535 West Higgins, Chicago, Ill., Saddle Brook Room, Main Convention Floor.

STATUS: Open meeting (part of the meeting will be closed as authorized by 5 U.S.C. 552b(c)(2). The closed part of the meeting will relate solely to the discussion of existing and potential candidates for appointment as President.)

MATTERS TO BE CONSIDERED:

1. Procedures for Presidential Search.
2. Role of Special Counsel to the Committee.
3. Discussion of existing and potential candidates for appointment as President. (This part of the meeting will be closed.)
4. Other business.

CONTACT PERSON FOR MORE

INFORMATION: Dellanor Young, Office of the President, telephone 202-376-5100.

ISSUED: April 11, 1979.

Alice Daniel,

Acting President.

[S-725-79 Filed 4-12-79; 9:56 am]

BILLING CODE 6820-35-M

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, April 10, Tuesday, April 17 and Wednesday, April 18, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Tuesday, April 10, 6 p.m.

Commission Meeting to Discuss Correspondence Related to Three Mile Island (public meeting).

By vote of 4-0 (Commissioner Gilinsky absent) on April 10 the Commission determined pursuant to 5 U.S.C. 552(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that the above agenda item be held on less than one week's notice to the public.

Tuesday, April 17, 2:30 p.m.

Meeting with ACRS on recommendations in Three Mile Island incident (approx 1 hour—public meeting).

Wednesday, April 18, 9:30 a.m.

1. Initial discussion of upgrade rule and supporting guidance (Postponed from April 11—approx 2 hours) (Open—Portions may be closed—exemption 1).

Wednesday, April 18, 1:30 p.m.

1. Interim briefing by study group on construction during review (Approximately 1½ hours—public meeting).

2. Discussion of personnel matter (tentative) (approx 1½ hours—closed—exemption 6).

CONTACT PERSON FOR MORE

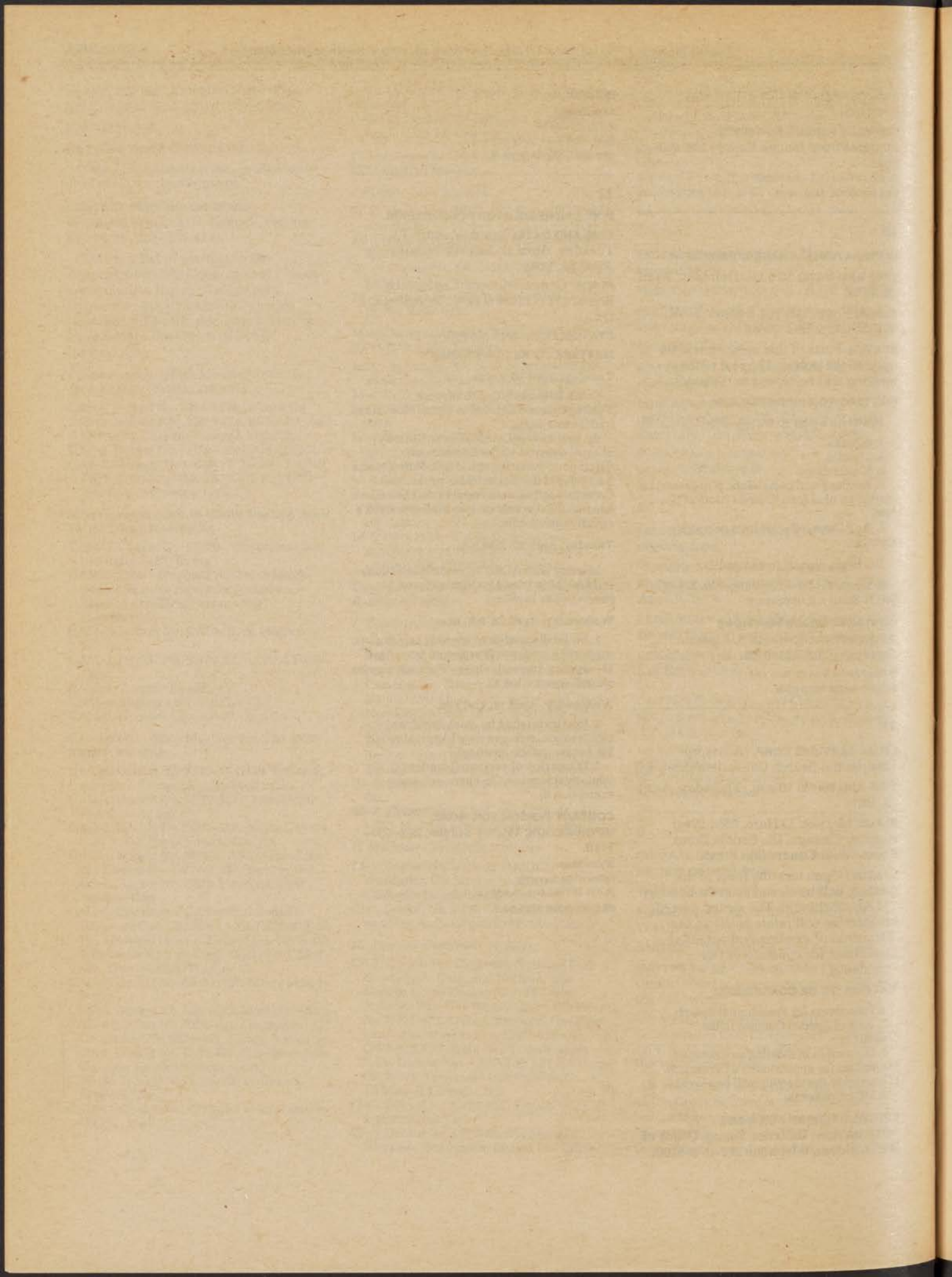
INFORMATION: Walter Magee, 202-634-1410.

Walter Magee,

Office of the Secretary.

[S-733-79 Filed 4-12-79; 9:56 am]

BILLING CODE 7590-01-M



Residential Energy

Monday
April 16, 1979

Part II

Department of Energy

Weatherization Assistance Program for
Low-Income Persons; Proposed
Amendments

DEPARTMENT OF ENERGY

[10 CFR Parts 420, 440]

Weatherization Assistance Program

AGENCY: Department of Energy.

ACTION: Proposed Rule.

SUMMARY: The Department of Energy (DOE) proposes to amend the regulations for the program of weatherization assistance for low-income persons in order to carry out the requirements of Section 231(b)(1) of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3224 *et seq.* The proposed changes would revise and simplify the approach to weatherization currently required by Project Retro-Tech, a four volume conservation paper issued by the Department of Energy. The proposed changes would require a State to develop, as part of a State plan, a list of weatherization measures, by building type, ranked in order of cost-effectiveness. Upon approval by the DOE Regional Representative, a State would be required to include the list in copies of Project Retro-Tech to be used by program operators in the State.

Project Retro-Tech is being revised to provide a calculation method for the evaluation of the cost-effectiveness of weatherization measures. Program operators would be required to use either the list developed by the State to determine which measures to use to weatherize a dwelling unit or to complete the Project Retro-Tech calculation method for a dwelling unit to determine the measures to be employed to weatherize the dwelling unit. The proposal also amends the administrative provisions to require grantees to comply with the requirements of the DOE Assistance Regulations 10 CFR Part 600.

DATES: Comments must be received by May 16, 1979, request to speak at the hearing by 4:30 p.m., April 20, 1979; speakers will be notified by April 23, 1979; written statements of speakers by April 26, 1979. A public hearing will be held at 9:30 a.m., April 30, 1979. The public hearing will be held in Room 3000A, 1200 Pennsylvania Avenue, NW., Washington, D.C.

ADDRESSES: Send comments and request to speak to: Margaret Sibley, Office of Conservation and Solar Applications, Room 2221C, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, re: Weatherization Assistance for Low-Income Persons Regulations (Docket No. CAS-RM-75-503).

FOR FURTHER INFORMATION CONTACT:

Mary M. Bell, Director, Office of Weatherization Assistance, Department of Energy, Room 4121, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, (202) 376-9481.

Richard F. Kessler, Office of General Counsel, Department of Energy, Room 3228, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, (202) 376-9297.

Margaret Sibley, Department of Energy, Room 2221C, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, (202) 376-1651.

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION
II. DISCUSSION OF PROPOSED CHANGES

- A. Set of Procedures
- B. The Project Retro-Tech Job Book
- C. Alternative Approaches to Retro-Tech
- D. Coordination with Federal Agencies
- E. Coordination with the DOE Residential Conservation Service Program

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. Written Comment Procedures
- B. Public Hearings
- C. Conduct of Hearings
- IV. ENVIRONMENTAL AND SIGNIFICANCE REVIEW

I. Introduction

The Department of Energy ("DOE") administers a State grant program of weatherization assistance for low-income persons under the Energy Conservation in Existing Buildings Act of 1976 ("Act"), 42 U.S.C. 6851 *et seq.* DOE proposes to amend the regulations for the program (10 CFR Part 440) to meet certain requirements of Section 231(b)(1) of the National Energy Conservation Policy Act ("NECPA"), 92 Stat. 3224 *et seq.* On February 16, 1979, DOE published a Notice of Proposed Rulemaking in the *Federal Register* (44 FR 10348) proposing changes to accommodate all NECPA amendments to the Act except section 231(b)(1). The February proposal noted that—

"DOE excepts to propose further amendments to respond to the NECPA's provisions concerning procedures for determining the optimum set of cost-effective measures, within the cost guidelines of the program, for weatherizing each dwelling unit under the program."

Today's proposal is in response to the requirements of section 231(b)(1) of NECPA to develop such "a set of procedures." DOE proposes to amend § 440.14(b) to require a State, as part of the State weatherization program plan, to develop, by building type, a list of weatherization measures ranked in

order of cost-effectiveness. DOE further proposes to amend § 440.15(a) to require a State to develop and publish procedures to assure that program operators are provided with suitable copies of the list. To accomplish this, DOE is revising the four volumes which comprise Project Retro-Tech. The procedure to be followed by a State to evaluate cost-effectiveness is contained in the revised Job Book, one of the four volumes, which is published as Appendix A to this preamble.

DOE has made technical and additional corrections to the other three volumes of Project Retro-Tech to conform to the changes contained in today's proposal. Copies of each of the revised Project Retro-Tech volumes may be obtained by contacting the following DOE regional personnel:

REGION I

Edward Finigan, Department of Energy, 150 Causeway Street, Room 700, Boston, Massachusetts 02114.

REGION II

Barbara Merritt Butler, Department of Energy, 26 Federal Plaza, Room 3206, New York, New York 10007.

REGION III

Rollie Clifton, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

REGION IV

Ron Easton, Department of Energy, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309.

REGION V

Tom Sanders, Department of Energy, 175 West Jackson Boulevard, Room A-333, Chicago, Illinois 60604

REGION VI

Chuck Royston, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

REGION VII

Beatrice Chabie, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

REGION VIII

Tom Stroud, Department of Energy, P.O. Box 26247—Belmar Branch, Lakewood, Colorado 80226.

REGION IX

Fred King, Department of Energy, 111 Pine Street—4th Floor, San Francisco, CA 94111.

REGION X

Tom Haller, Department of Energy, 1923 Federal Building, Seattle, Washington 98174. Or:

Mary M. Bell, Director, Office of Weatherization Assistance, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20545.

This proposal would also add a new § 420.2(a)(9) to require grantees to use the DOE Assistance Regulations, 10 CFR Part 600, in the administration of a grant under this program.

II. Discussion of Proposed Changes

A. *Set of Procedures.* Section 231(b)(1) of NECPA requires DOE to promulgate procedures to determine the optimum set of cost-effective weatherization measures to be installed in each dwelling unit. These procedures are to be applied to each dwelling unit, be within cost guidelines (10 CFR 440.16) for the weatherization program, and take into consideration the following factors: (1) The cost of weatherization materials, (2) variation in climate, and (3) the value of energy saved by application of the weatherization material. The proposed changes to Project Retro-Tech are designed to reflect the requirements of Section 231(b)(1) of NECPA and to simplify the procedures for identifying cost-effective measures for particular dwelling units.

Under the present requirements of Project Retro-Tech, the program operator must complete a 12-page data questionnaire and analysis for each dwelling unit weatherized. Today's proposal would modify this procedure. Under proposed § 440.15(b)(3), the State, as part of the State plan, would calculate the cost-effectiveness of weatherization measures and rank them by priority for different types of dwelling units by using the procedures and tables in the revised Job Book. The State would select standard types of dwelling units representative of the types of units to be weatherized under the State plan. The State would also determine the fuel prices and installation costs to be used in the calculation. The Job Book identifies specific weatherization measures for evaluation. However, the State may evaluate other weatherization measures if it chooses to do so. A list of weatherization measures ranked in order of cost-effectiveness is developed for each standard dwelling type and submitted to DOE for approval as part of the plan.

Proposed § 440.15(a) would require the State to develop procedures to

assure that the list of measures, after approval by the Regional Representative, is included in copies of Project Retro-Tech which are furnished by the State to subgrantees. These procedures should insure that program operators within the State have sufficient copies of the Revised Project Retro-Tech which must include the State's list of weatherization measures as well as fuel prices and installation costs. In addition, the procedures should enable program operators to understand the relationship of the list to different types of dwelling units. DOE believes this process, by assigning appropriate roles to the State and program operators, will ensure that the optimum set of cost-effective measures is installed.

Program operators are encouraged but not required to employ the State list of weatherization measures. If a program operator finds the list inappropriate for a dwelling unit, the program operator may use the Job Book to determine other weatherization measures to be used to weatherize the dwelling. Situations may arise where a specific dwelling unit does not fit into a standard building type. Also, even if a dwelling unit conforms to a standard building type, application of the preselected weatherization measures may not correct the weatherization problems observed upon an on-site inspection. However, if the program operator chooses not to use the State developed list for a dwelling unit, Part II B of the Job Book must be completed for that dwelling unit.

Experience with the program has shown that the unrevised Retro-Tech Job Books are sometimes not being correctly used by program operators and are not being completed, on a significant number of occasions. The principal problem was that program operators could not complete the detailed calculations to estimate fuel savings. At the same time, DOE has observed that, when properly filled out, the Job Books prescribe similar weatherization measures for similar buildings. For these reasons, DOE believes the evaluation of weatherization measures for standard types of dwellings, of which large numbers exist in an area, can be done most effectively by the State rather than by each program operator, dwelling unit-by-dwelling unit, in the field. In addition, considerable time and effort could be saved by preselecting the weatherization tasks and providing the opportunity to modify the list for a specific dwelling unit, if necessary. This approach would eliminate the 12-page on-site calculation currently being

performed for each dwelling unit by program operators.

The proposal does not change the current requirement that each dwelling must be inspected to determine the appropriate weatherization measures to be used, but, under the proposal, the priority of the weatherization measures would be predetermined.

Because these new procedures are a major departure from the present program, the public is invited to comment on their desirability and workability. Comments are especially sought on the extent to which States and subgrantees should be given flexibility in determining which measures and procedures to use.

B. *The Project Retro-Tech Job Book.* This proposal would alter the Project Retro-Tech Job Book so that a State could calculate the optimum set of cost-effective weatherization measures to be used by weatherization projects covered by its State plan. Fuel savings calculations are made by the State not by the program operators except where the program operator does not use the list prepared by the State. A simple cost-benefit calculation is provided to analyze the cost-effectiveness of each measure. The Job Book identifies sources of heat loss and measures required to reduce the heat loss. The Job Book contains step-by-step procedures to calculate a cost-effectiveness ratio for each measure. This ratio is the total cost divided by the lifetime savings due to the measure. Measures are to be ranked by the State in the order of their cost-effectiveness ratios in the Summary Table for Priority Rating.

DOE believes the total cost must be analyzed to effectively compare different measures. For example, the material costs for cellulose insulation do not accurately reflect the actual cost because installation involves a substantial expense for labor and equipment. Although labor costs are generally not paid with program funds, DOE believes that this cost, which is principally paid by other Federal programs, must also be considered in any meaningful analysis of cost-effectiveness. Accordingly, to complete the Summary Table for Priority Rating, the State is to use an installation factor in order to derive the estimated total cost for each weatherization measure installed. The installation factor is calculated by dividing the total costs (installation and material costs) by the material costs. Installation costs include the amounts to be spent for on-site labor and equipment rentals. Each State is to estimate the installation factors by weatherization measure for each

standard dwelling unit type and to secure approval by the DOE Regional Representative of the factors. States can use either actual data from representative buildings recently weatherized or standard references, like "Building Cost Construction Data" by R. S. Means, to compute these factors.

The State must also estimate the appropriate fuel cost per heating unit in order to calculate the expected lifetime savings for the particular measures. The unit cost of fuel should reflect current prices reasonably estimated to reflect statewide experience.

The Job Book does not provide a formula to evaluate each weatherization material identified in the program regulations. However, the Job Book may be used to evaluate any weatherization measure provided DOE has prescribed a standard in Appendix A for the weatherization material which would be used.

The Job Book does not require the evaluation of all weatherization measures which use weatherization materials. Experience with the program indicates that certain weatherization measures are always effective and therefore should always be given the highest priority. For this reason, DOE has determined that highest priority be given to caulking and weatherstripping of doors and windows; materials used to reduce infiltration through the building envelope; duct insulation if hot air ducts are located in unheated areas; and wrapping a hot water heater with external insulation.

For example, evaluating the precise savings resulting from wrapping a hot water heater with insulation is somewhat difficult because savings vary with water heater size, temperature setting, location of the heater within the building and with climate zone. However, in general the savings obtained by insulation are in the order of 0.5 heating units per year per gallon of heater capacity. Moreover, the procedure is very cost effective, generally saving its entire cost in less than one season. For example, an 80 gallon heater, with the normal 1 inch or so of insulation included in its jacket, when set at 150°F, will lose approximately 60 heating units per year to its surroundings. Insulating with R-11 will reduce this by 35-40 heating units, that is, will save approximately 1000 kwh per year, approximately \$40. A kit to insulate the heater will cost less than \$20 or if fiberglass roll insulation is used the cost will be less than \$6—both very cost-effective.

The same reasoning applies to insulation of hot air ducts passing

through unheated areas. Evaluating the precise heat loss is also difficult as systems circulate air at different temperatures and different velocities, and the temperature of unheated areas varies tremendously. However, the surfaces of uninsulated ducts are so hot that heat loss is substantial. Duct insulation will usually pay for itself in less than one season in all but the very mildest climates. For example a duct carrying 130°F air in a heating system which runs 1000 hours per year may lose the equivalent of one heating unit per square foot of duct. Duct insulation of R-6 would save 80-90% of this loss for a one time cost of around \$1 per sq. ft. if special duct insulation was used, and as little as 20¢ per sq. ft. if fiberglass rolls were used.

Certain weatherization materials must be considered by the State in the Job Book. The sources of heat loss analyzed by the Job Book are uninsulated ceilings, partially insulated ceilings, exposed floors, uninsulated building perimeters, uninsulated floors, uninsulated walls and single glass windows. The weatherization materials which must be analyzed in the Job Book consist of ceiling, attic, wall and floor insulation, storm windows and skirting. DOE has determined that these weatherization materials have varying degrees of cost-effectiveness, and therefore their evaluation by the State is required for the State plan.

Both vapor barriers and items to improve attic ventilation are necessary for and cannot be separated from the proper installation of other materials so that a separate cost-effectiveness calculation is unwarranted. Vapor barriers are not normally purchased separately except for new construction, and will generally be only ancillary to other weatherization materials, e.g. as foil or Kraft backing on roll insulation. Vapor barriers are not considered in the Job Book as a weatherization measure, but their function, to protect insulation and structural materials, is discussed in other parts of Project Retro-Tech. Similarly, attic vents are an ancillary item and serve to protect the insulation from damage due to moisture condensation. Its value cannot be calculated, but its purpose and function are discussed elsewhere in Project Retro-Tech.

No analysis is made of furnace efficiency modifications and heat absorbing or heat reflective window and door materials because the program, at this time, contains no standards for these weatherization materials. DOE is developing standards for these materials and expects to introduce these

standards into the program in the future and then make necessary changes to Project Retro-Tech.

Adding storm windows to an existing window is generally less costly than removing the whole window and replacing it with a double glazed unit, so DOE has primarily considered storm windows in the Job Book. A typical installed price for storm windows is around \$2 per square foot while a double glazed window unit will generally cost over \$5 per square foot. Both will do essentially the same thing, i.e. increase the overall R value to around 2 and cut infiltration, but storm windows normally do it for much less cost.

Justifying the use of storm doors as a cost-effective weatherization measure is often difficult in the normal case. If the regular door is in reasonable shape, infiltration losses can be eliminated at low cost with weatherstripping, so the only saving made by the storm door is on conduction losses. For a typical 3'0" x 6'8" doorway, by increasing the overall R value from approximately 2 to approximately 3, a storm door will save only a matter of 6 or 7 heating units per year even in a severe climate such as that of Maine. Even allotting a 20 year life to the door, with the good fortune of no glass replacement during that time, the door only breaks even as a weatherization measure. In milder climates or with fuels costing less than 50¢ per heating unit, only the lowest cost storm door is likely to save its cost during its life. However, if the existing door cannot be draft proofed, a storm door is cheaper than replacing the existing door and could be justified on an individual basis by the program operator by completing the Job Book. The same justification might be made for storm doors on electrically heated homes, i.e. those with a high unit fuel cost, in northern Minnesota or in Alaska, but DOE believes that even in those situations storm doors would have a much lower priority than the standard measures considered in the Job Book.

No analysis is required for clock thermostats which may be purchased as a weatherization material. Clock thermostats when properly used are cost-effective. However, DOE is concerned that, although clock thermostats, when properly used, will reduce fuel costs, the device will not increase the warmth of dwelling units. DOE, accordingly, believes that a clock thermostat ought not to be given the same priority as an item which can both reduce fuel costs and provide greater warmth. DOE is not proposing any major changes in the heat calculation

method presently used. The approximate R values use in the current Job Book are retained unchanged. The present use of District Heating Factors is also retained.

As stated above, DOE believes that State and program operators should have the flexibility to include in the priority calculation any material for which DOE has prescribed a standard in Appendix A of the regulation. The revised Job Book has instructions for adding additional measures into the calculation. For example a State may desire to include storm doors. While preliminary analysis indicates that this measure is generally less cost-effective than other measures, DOE is not prepared at this time to preclude its use as a priority weatherization measure.

The public is encouraged to comment on the treatment of these weatherization measures.

C. Alternative Approaches to Project Retro-Tech. Proposed § 420.17 require the exclusive use of the approaches to weatherization contained in Project Retro-Tech. At present, § 420.17(d) permits the use of approaches to weatherization not contained in Project Retro-Tech when requested by a grantee or subgrantee if approved by the Regional Representative upon a finding that such approaches meet or exceed the approaches contained in Project Retro-Tech. According to the preamble to the final rule, this opportunity to use alternative approaches was developed "to encourage local initiative, while at the same time discharging [DOE's] statutory obligation to prescribe standards for weatherization techniques." 42 FR 27902 (June 1, 1977).

Section 231(b)(1) of NECPA now requires DOE to develop "a set of procedures to determine the optimum set of cost-effective procedures." Moreover, NECPA further provides that the approach to weatherization prescribed by DOE in accordance with Section 413(b)(2)(A) of the Act will be utilized by the Secretary of Agriculture and the Director of the Community Services Administration (CSA).

DOE has initially concluded upon the basis of two years of program experience and after coordination with the Secretary of Agriculture and the Director of CSA that one set of procedures would most effectively carry out the intent of Congress and maximize the benefits and minimize the costs of conducting weatherization for the benefit of low-income persons. DOE believes that Project Retro-Tech, as revised, incorporates sufficient flexibility to tailor the program to fit conditions at the State and local levels,

and DOE is therefore proposing its use exclusively.

D. Coordination with Federal Agencies. DOE has coordinated these proposed changes with the Secretary of Housing and Urban Development, Secretary of Health, Education and Welfare, the Secretary of Agriculture, the Director of the National Bureau of Standards in the Department of Commerce, and the Director of CSA. Discussions were held in January, 1979 with agency representatives of these officials. Drafts of the proposed Project Retro-Tech manual and procedures were provided to these agencies, and their comments were used in preparing this proposed rule.

E. Coordination with the DOE Residential Conservation Service Program. On March 19, 1979, DOE published in the Federal Register a Proposed Rule for the Residential Conservation Service (RCS) Program, (44 FR 16546-16979). The RCS program is required by Title II, Part 1 of NECPA. Its purpose is to encourage the installation of energy conservation measures, including renewable resources measures (e.g. solar), in existing houses by residential customers of larger gas and electric utilities and home heating suppliers.

Under the RCS proposed rule, utilities would be required to offer program announcements describing the RCS program to each of their residential customers. These utilities would also be required to make available to those customers lists of contractors and suppliers of energy conservation measures, as well as lending institutions that will finance energy conservation measures. The residential customers would be able to obtain "energy audits" of their homes from these utilities. Each audit would identify with respect to that house costs and savings involved in the installation of energy conservation measures appropriate for a house of that category in that climatic region. Finally, the larger utilities would offer to arrange the installation and financing of whatever suggested measures the customer desired. Home heating suppliers may offer the RCS program to their customers if the Governor includes them in the State plan. The measures installed under the program would have to meet the material and installation standards set forth in the rule.

The States are asked to develop plans for implementation and enforcement of the RCS program. These plans are due to DOE within six months of the publication of a final rule, now scheduled for September 1979.

Implementation by utilities is expected in the latter half of 1980.

There are important differences between the RCS and the weatherization programs. RCS is to provide consumers with information; the weatherization program is to finance services to weatherize units. RCS does not prescribe the procedures for or require the determination of the optimum set of measures to be applied to each dwelling unit; the weatherization program sets a coordinated Federal approach by establishing the procedures to be used by States. RCS covers all households served by participating utilities; the weatherization program applies only to low-income families. Because of these fundamental statutory differences in the two programs, DOE does not believe it feasible to unify the two. However, DOE believes that coordination is essential wherever possible. In particular, we are concerned that the services which a low-income family receives from each program are consistent and not conflicting. DOE seeks comments on how this might be best accomplished.

III. Opportunity for Public Comment

A. Written comment procedures. Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Ms. Margaret Sibley, Office of Conservation and Solar Applications, Room 2221C, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20545.

Comments should be identified on the outside of the envelope and on documents with the designation "Weatherization Assistance for Low-Income Persons Regulations (Docket No. CAS-RM-79-503)." Fifteen copies should be submitted. All comments received by May 16, 1979, before 4:30 p.m., and other relevant information, will be considered by DOE before final action is taken regarding the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified, and one copy submitted in writing. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public hearing. DOE has determined to have one national public hearing on this proposal. It will be held at 9:30 a.m., on April 30, 1979, in Room 3000A, 1200 Pennsylvania Avenue, NW., Washington, D.C.

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Ms. Margaret Sibley at the address given at the beginning of this preamble and must be received before 4:30 p.m., on April 20, 1979. A request may be hand-delivered to Ms. Sibley's office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be marked as for written comments, with the additional notation "Request to Speak".

The person making the request should briefly describe the interest concerned, if appropriate, state, why she or he is a proper representative of a group of persons that has such an interest, and give a concise summary of the proposed oral presentation and a phone number where she or he may be contacted through April 30, 1979. Each person selected to be heard will be notified by DOE before 4:30 p.m., April 23, 1979. Each person selected to be heard must bring 15 copies of her or his statement to the hearing.

In the event any person wishing to testify cannot provide 15 copies, alternative arrangements can be made with the hearing coordinator in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Ms. Sibley at (202) 376-1651.

C. Conduct of Hearing. DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements at the hearing, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person wishing to ask a question at the hearing may submit the question, in writing, to the presiding officer. The

presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA152, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the court reporter.

IV. Environmental and Significance Review

Pursuant to section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, 15 U.S.C. 766(a)(1), a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

Pursuant to the National Environmental Policy Act of 1969, as amended ("NEPA"), 42 U.S.C. 4321 *et seq.*, DOE is preparing a supplement to the environmental assessment ("EA") prepared in connection with the weatherization program regulations proposed in the *Federal Register* on April 1, 1977 (42 FR 17470), and finalized in the *Federal Register* on June 1, 1977 (42 FR 27899). Notice of that EA, its availability, and the negative determination made in connection with it was published in the *Federal Register* on March 31, 1977 (42 FR 17168). The supplement updates the original EA and evaluates the impacts of the legislative amendments pursuant to Title II, Part 1 (Residential Energy Conservation) and Title II, Part 2 (Weatherization Grants for the Benefit of Low-Income-Families) of the NECA. This NEPA review, as well as any further review deemed necessary on the basis of the supplement to the EA, will be completed and considered prior to the promulgation of this rule.

As mentioned in the supplementary environmental assessment, a potential health risk may exist for occupants of certain weatherized structures which have higher than normal concentrations of radon. This potential health risk is associated with all DOE energy conservation programs that reduce substantially the number of air changes

per hour in buildings. DOE will look at the question of radon and any other substances posing potential health risks to determine if specific standards are required to mitigate these potential risks.

In accordance with DOE Order 2030, DOE considered the effects of the NECA amendments and determined that they are significant for purposes of Executive Order 12044. While the Executive Order directs that significant rules receive a 60-day public comment period wherever possible, DOE has determined that such a period would substantially delay DOE's ability to put into operation changes mandated by NECA which are important to the program's operation, such as the procedures for determining the optimum cost-effective measures to eligible dwelling units.

Accordingly, the Deputy Secretary has determined that a 30-day comment period would best serve the public interest by providing the opportunity to implement, if appropriate, the proposed changes in the shortest practicable time, consistent with a sufficient period for comments.

The DOE has determined that this regulation will have no major economic impacts requiring a regulatory analysis.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, it is proposed to amend Part 440 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 6, 1979.

Omi G. Walden,
Assistant Secretary, Conservation and Solar Applications.

Appendix A to the Preamble

The proposed revised Project Retro-Tech Job Book is reproduced below to assist individuals in commenting on this proposed rule. The proposed revisions would replace Project Retro-Tech Home Weatherization Job Book (Federal Energy Administration Conservation Paper Number 28B). Revisions to Conservation Papers Number 28B, C and D are not included here. These changes will conform these documents to the documents displayed here. Copies of the revised Project Retro-Tech may be obtained by interested persons as noted above in this preamble.

BILLING CODE 6450-01-M

Project RetroTech

REFERENCE NO. _____

HOME
WEATHERIZATION
JOB BOOK FOR
PRIORITY SETTING

Street Address (or Building Type if for Sample
evaluation)

Town (or Area if for sample calculation)

This revised Job Book replaces the original Retrotech Job Book and is used in much the same way. Additional information is developed which allows priority of various weatherization measures for a building to be determined as required by the National Energy Conservation Policy Act.

The booklet is also intended to be used for determining costs of weatherization measures and consequent fuel savings for sample buildings of frequently occurring types in an area, e.g. ranch houses, colonials, row houses, etc. to establish a priority listing which will hold for all similarly constructed buildings in the area. This procedure eliminates the necessity for using a Job Book for every building where many buildings of a particular type are of similar construction.

Home Evaluation

Inspection by _____ Date _____

Calculation
and Priority _____ Date _____

Sections by _____

This revised Job Book replaces the original Retro-Tech Job Book and specifies steps States and program operators must follow to comply with the weatherization assistance for low-income persons program ("Program"). As part of the State plan, the State shall develop a list, by type of building, of measures ranked by priority to be used by program operators. The list shall be developed in accordance with the calculations contained in this Job Book. The list and calculations will be reviewed by the DOE Regional Representative. Upon approval, the State will insert the list into the Building Check and Job Order Sheet and distribute the Sheet to all program operators for their use.

The program operator shall fill out the Building Check and Job Order Sheet in performing an on-site inspection to determine which measures to use to weatherize a dwelling unit and to identify the weatherization materials and work to be undertaken. If the design of a dwelling unit makes the use of the list inappropriate, the program operator shall complete the calculations in the Job Book to determine the most cost-effective set of measures to be used to weatherize the dwelling unit.

PART I Selection of Weatherization Measures

A. Using a Job Book for Evaluation of Building Types

(1) Types of buildings

The State shall identify types of buildings which reasonably represent the majority of dwelling units eligible for weatherization under the Program. Types of buildings may be ranch houses, colonial, row houses, etc. The State has the option to identify building types to cover the whole State or cover subareas of the State. For example, there may be a ranch house type for the southern and another ranch type for the northern parts of the State. Individual dwelling units not covered by a category will be evaluated in accordance with Part II, B of this Job Book.

(2) Sample of buildings

Once building types are set, the State shall select a sample of buildings by type for which priority setting calculations will be made. There is no limit on the number of buildings to each category sample. Given available program and other information, the sample may be only a few dwelling units that are reasonably representative of the category. The size of the building does not affect the results obtained as the weatherization priorities are set on the basis of cost per heating unit saved. However, the construction of the building should be typical of the group.

The State is then to calculate for each dwelling unit the cost-effectiveness of each weatherization measure, subject to prioritization, using calculation procedures contained in this Part I.

(3) Calculation procedures for weatherization materials to be ranked

There are six calculation procedures to be followed:

- a. Description of Building (pages 15-16)
- b. Heat Losses by Conduction through Uninsulated Ceilings (page 17)
- c. Heat Losses by Conduction through Partially Insulated Ceilings (page 18)
- d. Heat Losses by Conduction through Floors (page 19)
- e. Heat Losses by Conduction through Uninsulated Walls (page 20)
- f. Heat Losses by Conduction and Infiltration through Single-Glass Windows (page 21)

When the sample is identified an inspection will be necessary to fill in data sections of the Job Book marked "Fill in at Job Site". These data are found in calculation procedures a, b, d and e.

(1) Description of the Building (pages 15-16)

- a. Enter into the form sketches of the various views of the building.

- b. Enter in the appropriate District Heating Factor from the map provided on page 25. If the type of the building is to be applied to an area containing several District Heating Factors, use the average of the factors. If this variation in heating factors would result in different rankings, division of the building type into two or more categories covering different areas would be appropriate.
- c. Enter in fuel prices per unit of fuel. The price should be a reasonable approximation of the price presently charged to occupants of dwellings in the category.

(2) Heat Losses by Conduction through Uninsulated Ceilings (page 17)

- a. From Table 1 on page 22 of the Job Book, obtain the R value for each material in the ceiling (or roof, where appropriate). Add these R values to obtain a composite R value for ceiling (or roof). Round off the value to the nearest tenth of unit.
- b. Enter ceiling area and District Heating Factor and determine the heating units now required due to losses through the ceiling.
- c. In a similar manner, determine the heating units which would be required if the ceiling were insulated to have an R value appropriate to the area.

The appropriate amount of insulation for a ceiling depends on climate, fuel prices and insulation costs. Check the current DOE recommendations on maximum R value for the area. These R values will be reviewed each year to keep the recommendations up to date.

- d. Subtract to determine the potential heating savings and enter at the bottom of the page.

(3) Heat Losses by Conduction through Partially Insulated Ceilings (Page 18)

Some ceilings, particularly in Northern Tier areas, may have had some insulation installed when the house was built or some may have been added since. Though the typical building which is evaluated may not have any ceiling insulation, some houses of the same type may. In cases like this, although the primary savings have been made, it may be worthwhile adding more insulation. This page is used to determine if this is so.

- a. Determine the heating units required by a ceiling like the one in the typical house if it were insulated to R-10 (that is if it had approximately 2-3 inches of insulation).
- b. In a similar manner, determine the heating units which would be required if the ceiling were insulated to have an R value appropriate to the area.

- c. Subtract to determine the potential heating savings and enter at the bottom of the page.

(4) Heat Losses by Conduction through Floors (page 19)

- a. Enter the floor area, appropriate exposure factor, District Heating Factor and R value and determine the heating units now required due to losses through the floor.
- b. In a similar manner check the potential heating units based on a floor exposure factor of 0.5, provided draft proofing below the floor is practical.
- c. If insulating the perimeter of the crawl space or basement is practical, determine the potential heating units if the floor exposure factor were reduced to 0.3 in this way.
- d. If insulating the perimeter is not practical due to probable wetting of the insulation or need for underfloor ventilation, insulating the whole floor may be the only possible treatment. Determine the potential heating units with a minimum floor R-15.
- e. Subtract the three different potential heating unit figures from the heating units now required and enter the figures in the boxes at the bottom of the page.

(5) Heat Losses by Conduction through Uninsulated Walls

(Page 20).

If walls are already partially insulated, e.g. with a 2-inch blanket of insulation in a 4-inch cavity, it is usually impossible to add insulation to the wall. Even if the typical house has partial insulation this page might be completed in case some examples of the type are completely uninsulated.

At the present time, only frame walls are normally being insulated in the weatherization program, as a suitable treatment for masonry and log walls is not generally available. However if a treatment for such walls becomes available in the future, it can be evaluated by the procedure on this page and the priority setting procedure on pages 23-24. If the R value attained is other than 15, that value should be used in the potential savings calculation.

- a. For uninsulated frame walls, a total R value around 3.0 can be used, no matter what the type of surface treatment. However if the walls are of different construction, it may be necessary to determine the R value. From Table 1 on page 22 of the Job Book, obtain the R value for each material in the walls. Add these R values to obtain a composite value for the walls. Round off to nearest tenth of unit.

- b. Enter perimeter and height of outside walls from pages 15-16. Multiply to obtain gross wall area. Subtract the sum of areas of windows and doors, from pages 15 and 16, to determine net wall area.
- c. Determine the heating units now required due to losses through the walls.
- d. In a similar manner determine the heating units which would be required if the walls were insulated to R-15.
- e. Subtract to determine the potential heating savings and enter at the bottom of the page.

(6) Heat Losses by Conduction and Infiltration through Single Glass Windows (page 21)

Very often a significant infiltration loss occurs around windows in addition to the losses by conduction through the glass. Adding storm windows can significantly reduce infiltration losses as well as conduction losses. It is important to allow for this when the benefits of storm windows are being considered relative to other possible measures.

- a. Use the sketches, on pages 15 and 16, to fill in the table to determine the total area of single glass windows.
- b. Determine the heating units required for conduction losses through the windows (based on R-1 for the windows).

- c. Determine the potential saving by adding storm windows. The calculation allows for the storm windows saving half the conduction loss plus a saving of infiltration heat loss equivalent to one quarter of the loss through single glass.
- d. Subtract to determine the potential heating savings and enter at the bottom of the page.

(7) Summary Table for Priority Rating of Weatherization Measures (pages 23 and 24)

This table allows the relative costs and savings for various possible weatherization measures to be compared. The most cost-effective measures can then be determined:

- a. Enter the potential heating savings from the boxes at the bottom of pages 17 to 22 on the appropriate line in column 5.
- b. Estimate the cost of materials for each possible weatherization measure in Column 1, entering the unit cost (cost/ft² or other unit) of the materials on which the estimate is based. The unit cost should be an approximation of the average cost across the geographical area covered by the building type.

- c. Enter the installation factor for each measure in Column 2. The installation factor is equal to the total cost (installation and material) of the measure installed divided by the material cost. Installation cost includes on-site labor and equipment rental. Standard reference guides which list installation costs can be used. The installation factor allows for the additional cost of installing the materials so a true cost of the weatherization measure can be obtained.
- d. Multiply the total material cost by the installation factor for each weatherization measure to find Total Cost and enter in Column 3.
- e. Enter the expected life of each proposed weatherization measure in Column 4 and enter the cost per heating unit for the fuel actually being used (from page 16) in Column 6. Then determine the lifetime savings due to each proposed weatherization measure by multiplying the figure in Column 4 by the figure in Column 5 and the product by the figure in Column 6. Enter the answers in Column 7.
- f. The Cost:Benefit ratio for each weatherization measure is then calculated by dividing the figure in Column 3 (total cost of measure) by the figure in Column 7 (savings due to the measure) and is entered in Column 8.

- g. Rank the cost-effectiveness of all the weatherization measures by comparing the figures for Cost:Benefit Ratio saved. Reducing general heat waste is always regarded as cost effective and is already entered as No. 1 in Column 9. The weatherization measure calculated in column 8 to have the lowest Cost:Benefit ratio (i.e. to cost the least per heating unit saved) is then entered as No. 2 in column 9. The next least costly measure is No. 3, and so on. Any measure which has a Cost:Benefit ratio exceeding 1.0 will probably cost more than it saves over its lifetime and should be evaluated very carefully at the local level before being included on the Recommended List.

(8) Recommended Weatherization Priority List (page 24)

Transfer the information on source of heat loss, appropriate weatherization measures and unit material costs for cost-effective measures in priority order from the Summary Table onto the Recommended Weatherization Priority List on the lower half of page 24. Enter the building type and area covered (e.g. statewide or subarea by name) in the appropriate spaces.

(9) Calculation of priority ranking by category

- a. The State will use the Recommended Weatherization Priority List for inclusion in the State Plan. The State is to combine the ranking from the sample buildings in each category and enter the final ranking into a "Recommended Weatherization Priority List." If the rankings differ between sample buildings, the State should recheck the discrepancies. Where discrepancies remain, the State should take reasonable steps to resolve them. The State should attach to the list a brief explanation of how the final ranking was derived.
- b. Enter the type of building and geographical area covered by the type in the appropriate spaces.
- c. Some measures may be impossible to implement because of local conditions. For example, carrying out certain measures may violate State law. Any of the considered measures which are suitable for the local situation should be checked in the last column of the Recommended Weatherization Priority List. A notation of the reason for exclusion, e.g. "not cost-effective" or "unsuitable" should be made for any measure which is to be omitted from the Retrotech Building Check and Job Order Sheet.

- d. The State may use the previous year's analysis of sample dwelling units, but it should update the data on R values, material costs, etc. and re-validate the priority list.
- e. A weatherization measure not included in the Job Book but eligible for purchase with program funds and appropriate to an area can be evaluated on separate pages. Prior approval by DOE is not required for inclusion of such a measure in the list submitted to DOE as part of the State plan.

(5) Publication and issuance of Building Check and Job Order Sheet

- a. After approval of the priority ranking by DOE, the State shall enter a copy of the "Recommended Weatherization Priority List" into the space provided on the form. It provides the rationale for the work done on each dwelling and indicates the source of the evaluation.

The sheet can be used intact or individual blocks may be pasted up to provide a "camera ready" form for duplication, which covers the pre-selected weatherization measures. If a specific measure in a block is not to be undertaken, it may be omitted from the duplicated form.

- b. The State shall clearly indicate on the first page the type of building (to include a brief description) and the geographical area covered by the category.
- c. The State shall reproduce the Building Check and Job Order Sheet, as completed for (a) and (b) above, and make it, along with copies of the Job Book, available to program operators.

DESCRIPTION OF BUILDING

Sketch all views and put dimensions on each part shown, for example, length of walls, width and length of windows, etc. Label all single glass windows S and double glass and doors D. Complete all items in the job book labeled "Fill in at Job Site."

FILL IN
AT JOB SITE

Front View

Left Side View

Plan View

These grids are provided as guides for lines. Drawings need not be done to scale.

Area of Ceiling

(Take area of upstairs ceiling in a two-story house)

Ceiling area will normally be the same as floor area (from building description sheet)

Always include the materials in the roof deck in addition to the materials in the actual ceiling.

Material	Thickness (inches)	R Value
Inside surface	—	0.68
Outside surface (0.7)	—	.17
Total R value		

HEAT LOSSES BY CONDUCTION THROUGH UNINSULATED CEILINGS

FILL IN
AT JOB SITE

	X		+		=	
Ceiling area sq.ft.		District heating factor		Total R value		Heating units required

Potential Savings by Insulation of Ceilings

The appropriate amount of insulation for a ceiling depends on climate, fuel prices and insulation costs. Check the current DOE recommendations on maximum appropriate R value for your area. This indicates the maximum amount of insulation which is cost effective for your climate at current prices. Any less amount of insulation than this will save less total fuel but will
save more per dollar spent.

	X		+		=	
Ceiling area sq.ft.		District heating factor		Appropriate R value		Potential heating units

Subtract the potential heating units from those now required and enter here

Potential
Heating
Savings

Type of Heat Loss

Conduction Through Uninsulated
Ceilings

HEAT LOSSES BY CONDUCTION THROUGH PARTIALLY INSULATED CEILINGS

Area of Ceiling
(Take area of upstairs
ceiling in a two-story
house)

Ceiling area will
normally be the same
as floor area (from
building description
sheet)

If ceilings are partially insulated, e.g.
to no more than R=10, further savings can be made
by adding insulation. However the primary
savings have already been made and the invest-
ment in extra insulation may not be as worth-
while as some other measures. Evaluate the
savings by the calculations below, using R=10
for a sample building or actual R value
for an individual case.

Probable Heat Loss through Partially Insulated Ceilings

	X		+		=	
Ceiling area sq.ft.		District heating factor		Total R value (Use R=10 for sample houses)		Heating units required

Potential Savings by Additional Insulation of Ceilings

The appropriate amount of insulation for a ceiling depends
on climate, fuel prices and insulation costs. Check the
current DOE recommendations on maximum appropriate R
value for your area. This indicates the maximum amount
of insulation which is cost effective for your climate
at current prices. Any less amount of insulation than
this will save less total fuel but will
save more per dollar spent.

	X		+		=	
Ceiling area sq.ft.		District heating factor		Appropriate R value		Potential heating units

Subtract the potential heating units from those
now required and enter here

Potential
Heating
Savings

Type of Heat Loss

Conduction Through Partially
Insulated Ceilings

Potential heating savings by whole floor insulation

HEAT LOSSES BY CONDUCTION THROUGH UNINSULATED WALLS

(Partially insulated frame walls cannot normally be further insulated.)

FILL IN
AT JOB SITE

R Value of Outside Walls

Uninsulated frame walls usually have a total R value around 3.0 no matter what type of interior finish or siding treatment is present. If the wall is of different construction list all materials in the wall in the table at right, starting from inside and including air spaces within the wall. Insert R value for each component from Table 1.

Material	Thickness (Inches)	R Value
Interior surface	—	0.68
Outside surface	—	.17
Total R value		

$$\boxed{} \times \boxed{} = \boxed{}$$

Total perimeter of outside wall ft. Total height of outside wall ft. Gross wall area sq.ft

$$\boxed{} - \boxed{} = \boxed{}$$

Gross wall area sq.ft Total area of all windows and doors from sketches on pages 2 and 3 Net wall area sq.ft.

$$\boxed{} \times \boxed{} + \boxed{} = \boxed{}$$

Net wall area District heating factor Total R Value Heating units required

Potential Savings by Insulation

Well-insulated walls should have an R value of 15. If this were so for this building, the wall heat loss would be:

$$\boxed{} \times \boxed{} + \boxed{15} = \boxed{}$$

Net wall area (from box above) District heating factor R value Potential heating units

Subtract the potential heating units from those now required and enter here

Type of Heat Loss

Conduction Through Uninsulated Walls	
--------------------------------------	---

Potential Heating Savings

HEAT
LOSSES BY
CONDUCTION
AND
INFILTRATION
THROUGH
SINGLE-GLASS
WINDOWS

Area of Single Glass Windows:
(Assuming R = 1 for single glass)

Width	x	Height	x	Number	=	Area
Total sq.ft.						

	x		=	
Total sq.ft.		District heating factor		Heating units required

Potential Saving by Adding Storm Windows

Adding storm windows will cut the conduction heat loss by half and will probably save half again by reducing infiltration. i.e. cut heat loss to 25%. Calculate the potential heating units below.

	x .25 =	
Heating units now required with single glass		Potential Heating Units

Subtract the potential heating units from those now required and enter here

Type of Heat Loss

Conduction and Infiltration Through Single Glass Windows

Potential Heating Savings

**Table 1:
Insulation
Value of
Common
Materials**

This list is not intended to include all types of building materials, but only materials commonly used in residences. If necessary, select the ma-

terial most similar, and the resulting values will not substantially affect the calculation.

MATERIAL	THICKNESS (Inches)	R VALUE
Air Film and Spaces:		
Air space, bounded by ordinary materials	¾ or more	.91
Air space, bounded by aluminum foil	¾ or more	2.17
Exterior surface resistance	—	.17
Interior surface resistance	—	.68
Masonry:		
Sand and gravel concrete block	8	1.11
Lightweight concrete block	12	1.28
Face brick	8	2.00
Concrete cast in place	12	2.13
	4	.44
	8	.64
Building Materials — General:		
Wood sheathing or subfloor	¾	1.00
Fiber board insulating sheathing	¾	2.10
Plywood	5/8	.79
	1/2	.63
	3/8	.47
Bevel-lapped siding	1/2 x 8	.81
	¾ x 10	1.05
Vertical tongue and groove board	¾	1.00
Drop siding	¾	.94
Asbestos board	1/4	.13
3/8" gypsum lath and 3/8" plaster	¾	.42
Gypsum board (sheet rock)	3/8	.32
Interior plywood panel	1/4	.31
Building paper	—	.06
Vapor barrier	—	.00
Wood shingles	—	.87
Asphalt shingles	—	.44
Linoleum	—	.08
Carpet with fiber pad	—	2.08
Hardwood floor	—	.71
Insulation Materials (mineral wool, glass wool, wood wool):		
Blanket or batts	1	3.70
	3 1/2	11.00
	6	19.00
Loose fill	1	3.33
Rigid insulation board (sheathing)	¾	2.10
Windows and Doors:		
Single window	—	approx. 1.00
Double window	—	approx. 2.00
Exterior door	—	approx. 2.00

Source: ASHRAE Guide and Data Book.

SUMMARY TABLE FOR PRIORITY RATING OF WEATHERIZATION MEASURES

Fill out the Summary Table at the right by entering the fuel cost per Heating unit from p. 3 in Column 4, and the Potential Heating Savings from pp. 4-8 in Column 5. Enter the estimated material cost for the required changes in Column 1, the appropriate Installation factor in Column 2 and the expected life of each Weatherization measure in Column 4. From these figures determine the Total Cost and Lifetime Savings from each measure, and then in Column 8 calculate the Cost:Benefit Ratio. Finally, in column 9, rank the weatherization measures in order of cost effectiveness.

Source of Heat Loss	Weatherization Measure Required to Minimize Heat Loss	Unit Cost of Mat'l (\$/ft ²)	Quantity of Material (sq.ft.)	1 Total Material Cost (Unit Cost x Quantity) (\$)
General Waste of Heat	See separate Job Order Sheet			
Uninsulated Ceilings (from p.4)	Insulate to Local Standard of R =			
Partially Insulated Ceilings (from p.5)	Insulate to Local Standard of R =			
Exposed Floors (from block 1 page 6)	Reduce Exposure factor to 0.5			
* Uninsulated Perimeter (from block 2a page 6)	Insulate perimeter with R=4 or better			
* Uninsulated floors (from block 2b page 6)	Insulate floor with R=11 or better			
Uninsulated Walls (from p. 7)	Insulate Wall to R = 15			
Single Glass Windows (from p.8)	Add Glass Storm Windows			
	Other:			

*Only one of these alternate measures is applied to a specific building. See weatherization manual for details.

RECOMMENDED WEATHERIZATION PRIORITY LIST

Enter the various sources of heat loss and appropriate weatherization measures from the Summary Table above in priority order in the list at right. This is the order of importance of weatherization measures in a building of the type examined regardless of size or age. A copy of this list should be included in the local Building Check and Job Order Sheet for this type of building.

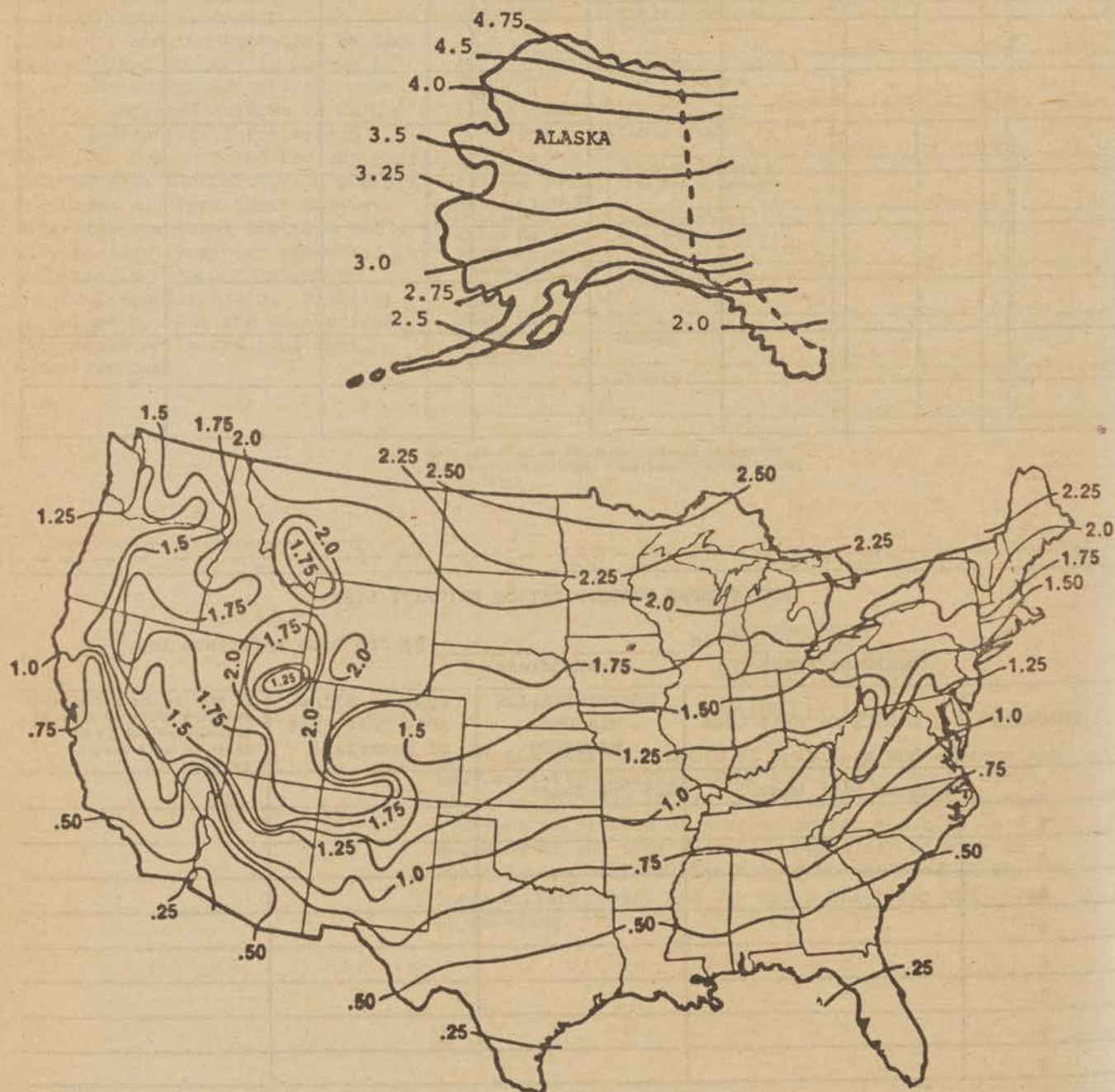
[illegible]

RECOMMENDED WEATHERIZATION PRIORITY LIST

for _____ in _____ by Job Book Reference No. _____
(building/type) area/address

PRIORITY	SOURCE OF HEAT LOSS	WEATHERIZATION MEASURE REQUIRED	Approx. Allow- able Unit Cost of Materials	If list is for a Typical Building check if item is included on Job Order Sheet or note reason for omission
1	General Heat Waste	See Job Sheet		
2				
3				
4				
5				
6				
7				
8				
9				

DISTRICT HEATING FACTOR FOR THE UNITED STATES



PART II Use of Building Check and Job Order Sheet by Program Operator

The Building Check and Job Order Sheet provides basic ordering and control information for the various weatherization jobs which may be performed on a building. Each section of the sheet is designed to allow the person checking the building to determine which of the ranked measures are feasible for that particular building and to develop ordering information and work instructions for the installation crew.

A. Use of State ranking

- (1) Take a Building Check and Job Order Sheet, with State ranking information provided on the first page, appropriate for the type of dwelling unit to be weatherized and for the geographical area.
- (2) Conduct an inspection of the building to determine which measures are applicable to the dwelling unit.
- (3) Enter the estimated quantity of materials and cost in the spaces provided.
- (4) Determine which measures can be installed within the cost guidelines of the program as provided by the State. Priority will be given to measures which reduce general heat waste.
- (5) The Sheet can be used as an ordering form.
- (6) Enter the actual expenditures for measures installed.

- (7) File the completed Sheet in the appropriate client file

B. Alternative procedure

The program operator can elect to evaluate the dwelling unit instead of using the State priority ranking of weatherization measures. This will typically occur where the dwelling unit does not fit any of the State building types or where the use of a type's ranking would result in an inappropriate set of measures. If the program operator uses this alternative procedure, the following steps will be used:

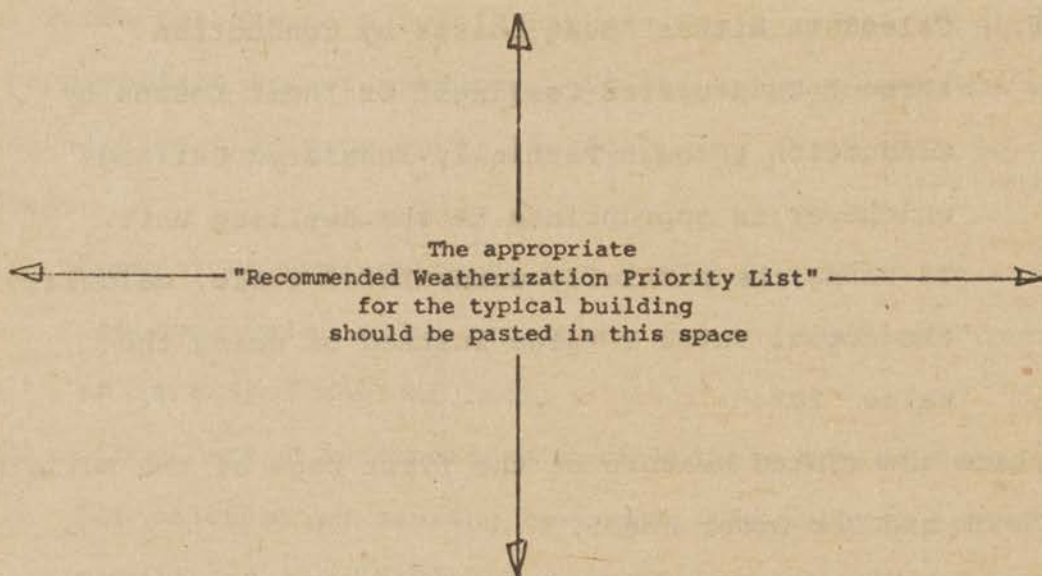
- (1) Conduct an evaluation of the dwelling unit using the Job Book calculation procedure and instructions found in Part I of the Job Book.
- (2) Since Part I instructions were written for State use for calculating ranking by types, the program operator should use the following special instructions where appropriate.
 - a. Fill out the form only for the dwelling unit to be weatherized.
 - b. In the Description of Building Table use current fuel prices for the specific dwelling unit or geographic area.
 - c. In the Description of Building Table complete the dwelling unit information consisting of name and address of owner, type of fuel used, etc.

- d. In the Summary Table use unit cost of material based upon local prices of such materials.
 - e. In the Summary Table use either the State installation factors from the type of buildings most similar to the dwelling unit or estimate the factors using local data on on-site labor and rental equipment costs.
 - f. Calculate either "Heat Losses by Conduction through Uninsulated Ceilings" or "Heat Losses by Conduction through Partially Insulated Ceilings" whichever is appropriate to the dwelling unit. If using the partially uninsulated table, calculate the actual Total R value instead of using the value "10".
- (3) Place the ranked measure on the first page of the Building Check and Job Order Sheet.
 - (4) Complete the Building Check and Job Order Sheet in accordance with Part II A instructions of this document.

D.O.E. Weatherization Program
RETROTECH BUILDING CHECK AND JOB ORDER SHEET

Each block on this sheet provides basic ordering and control information for the various weatherization jobs on a building. The sheet can be used intact, or individual blocks may be pasted up to provide a "camera ready" form for duplication, which covers the specific weatherization measures agreed between the D.O.E. Regional Office and the State for a particular building type in an area. If a specific measure in a block is not to be undertaken, e.g. repairing hot water faucets, it may be omitted from the duplicated form.

During inspection of building, cross out any item which does not apply or is already weatherized. Fill in appropriate instruction for jobs to be done.



JOB	PHONE #	INTAKE / /
NAME		ESTIMATE /
ADDRESS		APPROVED /
DIRECTIONS AND SPECIAL PROBLEMS		WINDOWS ORDERED /
		WINDOWS RECEIVED /
		STARTED /
		COMPLETED / /
		Total Materials \$ _____ Cost (from p4)

JOB ORDERS	Estimated Quantity	Estimated Cost (\$)	Actual Quantity	Actual Cost
GENERAL HEAT WASTE				
Can INFILTRATION be reduced?				
Replace broken glass in _____				
Reset glass in _____				
Replace threshold in _____				
Pack cracks in _____				
Weatherstrip windows in (not if storm windows to be installed?) _____				
Caulk windows in _____				
Weatherstrip doors in _____				
Caulk doors in _____				
Install door sweeps in _____				
Weatherstrip attic hatch _____				
Repair fireplace dampers in _____				
Close off fireplace in _____				
Do HOT-AIR DUCTS pass through cold areas? Insulate ducts leading to _____				
OBTAIN SPECIFIC PERMISSION OF OCCUPANT FOR EACH OF THE FOLLOWING OPTIONAL MEASURES	X	X	X	X
Can DOMESTIC HOT WATER SYSTEM be made more efficient? Should HOT WATER HEATER temperature be reduced? Turn setting down to _____°F				
Can ELECTRIC HOT WATER HEATER be insulated? Insulate with R _____				
Can CONTROL of heating system be improved? Turn thermostat down to _____°F (explain benefit to client) Install night setback thermostat _____ Relocate thermostat to _____				
Can any UNUSED ROOMS be CLOSED off? (remember water pipes may freeze in closed off rooms) Close off heating to _____				
2 Totals Carried forward → to page 4.				

JOB ORDERS				Estimated Quantity	Estimated Cost (\$)	Actual Quantity	Actual Cost
STORM WINDOWS							
FIRST FLOOR				SECOND FLOOR			
#	width x height	no.	cost	#	width x height	no.	cost
1.	x		\$	1.	x		\$
2.	x		\$	2.	x		\$
3.	x		\$	3.	x		\$
4.	x		\$	4.	x		\$
5.	x		\$	5.	x		\$
6.	x		\$	6.	x		\$
7.	x		\$	7.	x		\$
8.	x		\$	8.	x		\$
OTHER							
#	width x height	no.	cost	#	width x height	no.	cost
1.	x		\$	5.	x		\$
2.	x		\$	6.	x		\$
3.	x		\$	7.	x		\$
4.	x		\$	8.	x		\$
Total Costs				X			
FLOORS							
Can FLOOR EXPOSURE be reduced?							
Skirt crawl space with _____							
Insulate perimeter with _____							
(does perimeter insulation need to be waterproof?)							
Should FLOOR INSULATION be installed?							
Insulate floor with _____							
CEILINGS							
What is the R VALUE of the EXISTING ceiling? _____							
(if existing R is over _____ no further insulation is to be added)							
What INSULATION should be added?							
Insulate with _____ inches							
Joist Spacing _____ inches Ceiling Area _____ x _____ _____ x _____ _____ x _____							
Is ATTIC VENTING needed?							
Install _____ vents in _____							
(size) (location)							
WALLS							
Should WALLS be INSULATED? Are spaces accessible?							
(Remember possible moisture problems with frame walls insulated without a vapor barrier)							
Insulate wall in _____ with _____							
_____ with _____							
_____ with _____							
(room) (material)							
Totals Carried forward				→			
to page 4							

Provisions of 10 CFR Part 440 are amended as follows:

§ 440.2 [Amended]

1. Section 440.2(a) is amended to redesignate subparagraph (8) as subparagraph (9) and add a new subparagraph (8) as follows:

- (a) * * *
- (8) DOE Assistance Regulations (10 CFR 600); and
- * * *

§ 440.14 [Amended]

2. Section 440.14(b) is amended to add a new subparagraph (3) to read as follows:

- (b) * * *
- (3) the approach, including a list of measures to weatherize a dwelling unit, developed by the State in accordance with Project Retro-Tech, [cite], which shall be applied to each dwelling unit by a subgrantee to determine the optimum set of cost-effective measures, within the allowable expenditures prescribed in § 440.16, to be installed in such dwelling unit.
- * * *

§ 440.15 [Amended]

3. Section 440.15(a) is amended to add a new subparagraph (8) to read as follows:

- (a) * * *
- (8) the list of measures to weatherize a dwelling unit, developed by the State in accordance with § 440.14(b)(3), after approval by the Regional Representative, is included in copies of Project Retro-Tech which are furnished by the State to subgrantees.
- * * *

§ 420.7 [Amended]

4. Section 420.7 (c) and (d) is amended to read as follows:

- * * *
- (c) A weatherization project shall utilize the approaches to weatherization contained in Project Retro-Tech, [cite] including the energy conservation techniques therein.
- (d) In considering a request made pursuant to paragraph (b) of this section, DOE shall—
- (1) Evaluate the extent to which the request is designed to achieve a balance of healthful dwelling environment and maximum practicable energy conservation; and
- (2) When appropriate, coordinate evaluation through DOE with the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, and the

Director of the National Bureau of Standards in the Department of Commerce.

[Docket No. CAS-RM-79-503]

[FR Doc. 79-11634 Filed 4-11-79; 12:41 pm]

BILLING CODE 6450-01-M

Department of Housing and Urban Development

Monday
April 16, 1979

Part III

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for
Community Planning and Development**

**Community Development Block Grants
Rehabilitation Assistance and Program
Benefit**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

Community Development Block Grants Rehabilitation Assistance and Program Benefit

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule that would permit the use of block grant funds for rehabilitation assistance to be provided on a spot basis throughout the applicant's jurisdiction where this is necessary to eliminate conditions detrimental to public health and safety.

EFFECTIVE DATE: May 16, 1979.

FOR FURTHER INFORMATION CONTACT: William Thomas, Department of Housing and Urban Development, Entitlement Cities Division, Office of Block Grant Assistance, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-6300.

SUPPLEMENTARY INFORMATION:

General

On September 15, 1978 (43 FR 41369) a proposed revision to Subpart C (43 FR 8434) was published in the *Federal Register* for public comment. Interested parties were given until October 16, 1978, to submit written comments. All comments received with respect to the proposed rule were given due consideration. As a result of the comments received, the final rule which expands eligible rehabilitation activities to include spot rehabilitation to eliminate conditions detrimental to the public health and safety is being published for effect, as proposed.

Background

By virtue of Section 105(b) of the Housing and Community Development Act of 1977 (Pub. L. 95-128) which amended Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), the financing of privately owned property is no longer subject to the requirement that such activity is only eligible when incidental to other activities. The effect of this change is that grant recipients may now provide rehabilitation on a spot basis. Under the (March 1, 1978) Subpart C regulations (43 FR 8434) the Department authorized recipients to provide spot rehabilitation, but limited

such assistance to low- and moderate-income persons. The purpose of this additional change is in accordance with the Joint Explanatory Statement of the Committee of Conference for the 1977 HCD Act which makes clear the Congressional intent to broaden the existing rule to allow spot rehabilitation activities designed to eliminate conditions detrimental to public health and safety without regard to whether the persons to be assisted are low- and moderate-income persons. Such activities qualify as projects to eliminate slums and blight.

Comments

Sixty-three persons submitted comments. Of this figure some thirty-four represented comments from units of local government, in which twenty-four favored the proposed rule and ten opposed it.

Twenty-two comments were received from public interest groups and legal aid organizations. Of this group, two indicated support and twenty indicated opposition.

Two academicians submitted comments. One indicating support as well as one indicating opposition.

A representative of a planning and architectural firm and a resident of a community development target area also wrote to indicate opposition.

Generally, those that favored the rule felt that it adds local flexibility in order to address scattered critical health and safety problems more efficiently and economically, while still concentrating the bulk of comprehensive community efforts in specific areas. Comments also pointed out that through this provision, cities could assist in the preservation of an economic and social mix which is desired in urban areas, and that the rule would support other Community Development Program objectives including the "conservation and stabilization of urban neighborhoods" and "elimination of conditions which are detrimental to health, safety and public welfare".

Generally, those that opposed the rule felt that it would serve to weaken the focus of the program in terms of its benefit to lower income persons.

After careful review and consideration of all comments received with respect to this rule, the Department believes that making the proposed rule effective will not materially alter the extent to which block grant funds serve to benefit lower income persons, since the newly eligible activities would be limited to improvements necessary to correct conditions which are detrimental to public health or safety. Further, this

added flexibility is seen by the Department as removing a serious obstacle to a community's ability to use block grant funds to address its community development problems.

Rehabilitation Assistance

Paragraph (c)(2) of § 570.202 is amended to permit the use of block grant funds for spot rehabilitation where such rehabilitation is necessary to eliminate conditions detrimental to public health and safety. Rehabilitation assistance to be provided under this Section would not be limited to low- and moderate-income persons. However, it would be limited to those improvements necessary to correct the conditions detrimental to public health and safety. Unlike rehabilitation assistance provided under other provisions, general property improvements, and improvements of a cosmetic nature would not be permitted in these cases. The conditions to be remedied under this provision would generally be documented by the applicant as violations of health and safety or housing codes.

Program Benefit

Paragraph (e)(2) of § 570.302 is revised to add rehabilitation to the list of activities that may be carried out under the category of elimination of scattered detrimental conditions, which is one of the categories of projects to prevent or eliminate slums or blight. Activities carried out under this provision would be limited to those necessary to correct the conditions that are detrimental to public health and safety.

Other Information

A finding of inapplicability with regard to environmental impact has been prepared in accordance with HUD handbook 1390.1. Copies of this finding are available for inspection and copying during business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451-7th Street, SW., Washington, D.C. 20410.

Accordingly, 24 CFR Part 570 is amended as set forth below:

I. By amending § 570.202(c)(2) as follows:

§ 570.202 Eligible rehabilitation and preservation activities.

* * * * *

(c) * * *

(2) *Rehabilitation financing.* Block grant funds may be used to finance the rehabilitation of privately owned residential, nonresidential (excluding industrial) and mixed use properties.

(i) Such financing may be provided either (A) within areas designated in the application for comprehensive treatment, such as a NSA; (B) for persons of low- and moderate-income; or (C) to eliminate conditions detrimental to public health and safety, provided that the rehabilitation assistance is limited to the extent necessary to correct the conditions that are detrimental to public health and safety.

(ii) Block grant funds may be used directly to finance rehabilitation, including settlement costs, through the direct use of block grant funds in the provision of assistance, such as grants, loans, loan guarantees, and interest supplements, for:

* * * * *

II. By redesignating paragraphs (c)(2)(i), (ii), (iii), (iv), and (v) of § 570.202 as paragraphs (c)(2)(i) (A), (B), (C), (D), and (E), respectively.

III. By amending § 570.302(e)(2) as follows:

§ 570.302 Program Benefit.

* * * * *

(e) * * *

(2) A project designed to eliminate detrimental conditions which are scattered or located outside slum or blighted areas. Authorized activities are only those necessary to eliminate the specific conditions of blight or physical decay, by acquisition of blighted structures, demolition, historic preservation, relocation, and rehabilitation to the extent necessary to eliminate conditions detrimental to public health and safety pursuant to § 570.202(c)(2)(i)(C).

* * * * *

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 9, 1979.

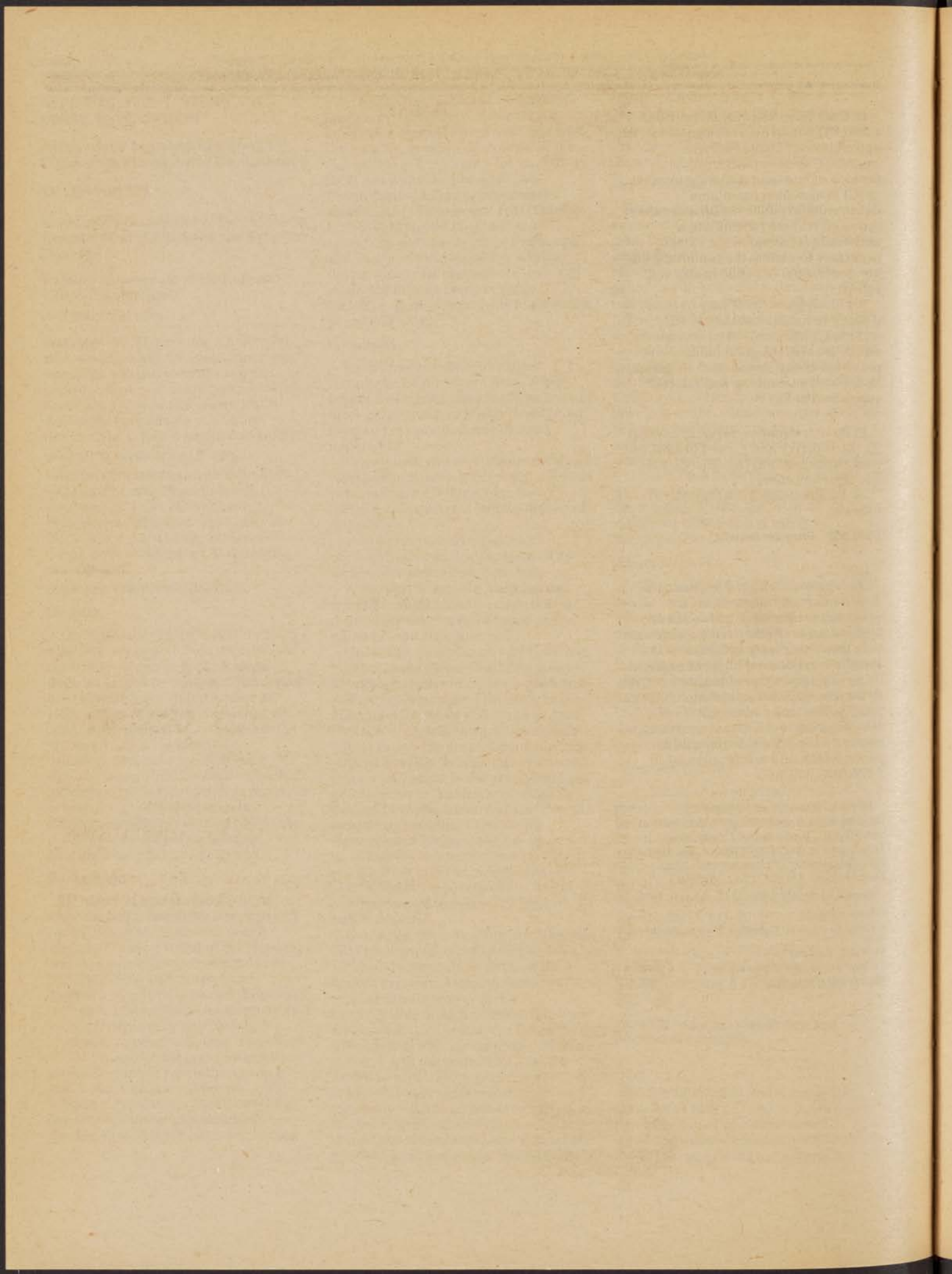
Robert C. Embry, Jr.

Assistant Secretary for Community Planning and Development.

[Docket No. R-79-570]

[FR Doc. 79-11006 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M



Test Report
Federal Reserve

Monday
April 16, 1979

Part IV

**Department of
Housing and Urban
Development**

Office Of Assistant Secretary for
Housing—Federal Housing Commissioner

Loans for College Housing Program for
Fiscal Year 1979; Proposed Requirements

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 279]

Loans for College Housing Program for Fiscal Year 1979

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rule.

SUMMARY: The proposed rule would amend 24 CFR Part 279 by adding a new Subpart D which sets forth the Department's requirements applicable to the Fiscal Year 1979 college housing program.

COMMENTS DUE: May 16, 1979. The public comment period is being limited to 30, rather than the usual 60 days. It is essential that a final rule be adopted in this proceeding as soon as possible in order to enable HUD to approve funding applications for FY 79. Applications for FY 79 must be submitted by c.o.b., June 15, 1979.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 Seventh Street, SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Acting Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410. (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Department is proposing to amend 24 CFR Part 279, College Housing, by adding a new Subpart D. The amendment will implement the continuation of the college housing program for Fiscal Year 1979. The amendments incorporate the provisions of Subpart C of the current regulations, except for minor amendments, and effectively implement congressional directives as contained in the Report No. 95-1060 of the Senate Committee on Appropriations on the Department of Housing and Urban Development—Independent Agencies Appropriation Bill, 1979, dated August 1, 1978.

The amendments now provide (1) that for applications involving rehabilitation to reduce fuel consumption and/or other operating costs, it is required now that cost savings must equal total development costs within the maximum

term of the loan which is 480 months or 40 years, as specified in § 279.39, to ensure that the primary purpose of the project is to reduce fuel consumption and/or other operating costs, (2) to clarify that only one application for a reservation of funds may be submitted and considered for funding per institution under each category of funding identified in § 279.38, and (3) § 279.37 has been changed by inserting a provision which establishes different cost limits for apartment dwelling in college housing. The same cost limits would apply as if the mortgage were insured under Section 221(d)(4) of the National Housing Act, as adjusted by the area high cost percentage, and (4) § 279.38(b)(2) has been changed by inserting a provision which establishes separate set-aside of funds for smaller and larger colleges and universities whose applications are in the category of new construction, acquisition and rehabilitation.

Part 279, Subpart A will continue to apply to all applications submitted prior to October 1, 1976, Subpart B will continue to apply to all applications submitted between October 1, 1976, and September 30, 1977, and Subpart C will continue to apply to all applications submitted between October 1, 1977 and September 30, 1978.

Interested persons may participate in this proposed rulemaking by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. All comments received on or before May 16, 1979, will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that this proposed rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respecting the National Environment Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

Accordingly, Title 24, Part 279—College Housing, is amended by adding a new Subpart D reading as follows:

Subpart D—College Housing Program for Fiscal Year 1979

Sec.

279.35 Applicability of Part 279 to 1979 Program.

279.36 Applications for reservation of funds.

279.37 Limitations on loan amounts.

279.38 Priority categories and funding criteria.

279.39 Loan terms.

Authority: Sec. 402, Housing Act of 1950 (12 U.S.C. 1749a); sec. 7(d), Department of HUD, Act (42 U.S.C. 3535(d)).

Subpart D—College Housing Program for Fiscal Year 1979

§ 279.35 Applicability of Part 279 to 1979 Program.

All of the provisions of Subpart C of this Part 279, concerning policies and requirements for projects to be funded under the college housing program for Fiscal Year 1978 shall apply with full force and effect to projects to be funded under the college housing program for Fiscal Year 1979 except as follows: Sec. 279.28, 279.29, 279.30 and 279.32.

§ 279.36 Applications for Reservation of Funds.

(a) Only one application for reservation of funds may be submitted and considered for funding per institution under each category of funding stated in § 279.38.

(b) Information and application forms may be obtained from and applications submitted to the field office which serves the area in which the educational institution is located. Applications may be submitted at any time after the effective date of this subpart, and will be accepted until close of business on June 15, 1979.

(c) Applications for assistance will consist of two parts:

(1) Part 1 must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type, and accreditation of the educational institution;

(ii) Description and estimated cost of the proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities, an estimate of annual operating cost savings, if any, based on the difference between the average of routine project operating expenses for the previous 3 years and

future operating expenses estimated on the basis of the current prices of fuel, supplies, and services.

(iv) Evidence of need for the proposed project including documentation which supports the eligible applicant's estimate of such need;

(v) Preliminary plans and specifications (if applicable); and

(vi) Proposed method of financing.

(2) Part 2 must be submitted to receive consideration for loan approval and must include the information specified in § 279.17.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD field offices. Field offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.38. No application shall be recommended for fund reservation after August 10, 1979, and no projects will be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding college housing loan. Further, no application competing under the funding category described in § 279.38(a)(1) shall be recommended for funding where the ranking number assigned to that application exceeds the maximum loan term as set forth in § 279.39(b).

(e) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocations of funds to the field offices will be made. Funds will be reserved, subject to availability, for specific projects by HUD headquarters on the basis of field office recommendations.

(f) The priority categories and funding criteria specified in § 279.38(a) will be used by all field offices. Therefore, the ranking numbers assigned to individual applications in accordance with that section will permit a comparison by HUD headquarters among applications recommended for funding by different field offices.

(g) In the event HUD headquarters receives more recommendations for fund reservations than can be funded, HUD headquarters will prepare a nationwide priority list for each of the categories specified in § 279.38(a) by using the ranking numbers assigned by the field offices on the basis of the criteria described in that section. Fund reservations will then be made on the basis of the nationwide lists.

(h) Field office recommendations and rankings for the categories specified in § 279.38(a) will be due in HUD headquarters on August 10, 1979. Funds

will be reserved, subject to availability, not later than September 30, 1979.

(i) Applications for which funds are not reserved by the close of business on September 30, 1979, shall be returned to the applicant by the field office.

§279.37 Limitations on loan amounts.

(a) The maximum loan under which any eligible applicant may request is the least of the following: \$5,000,000; or \$2,500 per full-time student; or \$12,200 per occupant based on design capacity of the proposed housing, plus \$65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities. In apartment dwellings, the same cost limits per unit would apply as if the mortgage were insured under Section 221(d)(4) of the National Housing Act, as adjusted by the area high cost percentage.

(b) The minimum loan which may be requested is \$25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a development cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of \$14,000 per occupant based on the design capacity of the proposed housing are not eligible.

(d) The limitations specified in paragraphs (a), (b), and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD headquarters.

§ 279.38 Priority categories and funding criteria.

(a) In recommending and making reservations of funds, all eligible applications shall be placed in the following categories and ranked by field offices and HUD headquarters according to the funding criteria indicated below:

(1) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the development cost as defined in § 279.27(d): *Provided, however*, That in the case of a tie in ranking numbers, applications proposing the rehabilitation of housing and related dining facilities originally financed under the college housing program shall be ranked above other applications in this category.

(2) New construction or acquisition of student housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(3) New construction or acquisition of faculty housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(b) Fund reservations for applications described in paragraph (a)(1) of this section will be made in the following order:

(1) For applications in the category described in paragraph (a)(1) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts up to 25 percent of the total funds available for the college housing program in Fiscal Year 1979.

(2) For applications in the category described in paragraph (a)(2) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts of up to 40 percent of the total funds available for the college housing program in fiscal year 1979 to institutions having enrollments of 5,000 or less and 35 percent of the funds to be reserved for institutions having enrollments of more than 5,000.

(3) In the event that the aggregate reservations made in either category are less than the available funds for that category, the unused funds shall be used to make reservations for applications in the other category.

(4) Funds will be reserved subject to availability for applications in the category described in paragraph (a)(3) of this section after all eligible applications in paragraphs (a)(1) and (a)(2) of this section have received reservations.

§ 279.39 Loan terms.

(a) The loan amount shall not exceed the total eligible development cost of a project, as determined by the Secretary.

(b) Loans shall be for such periods not to exceed 40 years, bear interest at such rate not to exceed 3 percent per annum, be so secured, and be subject to such terms and conditions, as shall be determined by the Secretary.

(c) Loans will be evidenced by either notes or bonds issued by the applicant.

(d) The interest rate shall be determined by the Secretary on the basis of the formula prescribed in the act as follows:

(1) Section 401(c)(1) of the act provides that the loans shall bear an interest rate of not more than the lower of:

- (i) Three (3) per centum per annum, or
- (ii) The total of one-quarter of one (1) per centum per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury as provided in section 401(e) of the act.

(2) Section 401(e) of the act provides that notes or other obligations issued by the Secretary to obtain funds for these loans shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the lower of:

- (i) Two and three fourths (2¾) per centum per annum, or
- (ii) The average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of one (1) per centum.

(e) The security for loans normally shall be:

(1) In the case of loans to private applicants, a general obligation secured by a first mortgage on the project and a pledge of project revenues.

(2) In the case of loans to public applicants, in order of preference:

(i) A general obligation secured by a first mortgage on the project and a

pledge of project revenues, where legally available;

(ii) A special obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available; or

(iii) A special obligation secured by a pledge of project revenues.

(3) In the case of loans made pursuant to § 279.38(a)(1) where the security described in paragraphs (e)(1) and (2) of this section is not legally available:

(i) A general obligation secured by a second mortgage on the project, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources;

(ii) A general obligation secured by a first mortgage on other facilities, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources;

(iii) A general obligation by a collateral account of not less than 100 percent of the outstanding loan amount, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources.

(4) Such other security as may be acceptable to the Secretary.

(f) If the field office manager determines that additional security is needed to reasonably assure loan repayment, a mortgage on other facilities, a guarantee of the payment of principal and interest by a third party, and/or a pledge of income from endowment funds, securities, or other revenue sources may be required as deemed necessary to supplement the security pledge pursuant to paragraph (e) of this section and to reasonably assure repayment.

(g) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Such payments shall be made not less often than annually and not more often than semiannually: *Provided, however,* That the payment of interest only may be permitted for a reasonable period of time, normally not exceeding two (2) years following the date of the loan.

(h) Financing on a parity with other lenders will be permitted provided that all other provisions of this subpart are met.

Issued at Washington, D.C., April 6, 1979.

Morton Baruch,
Deputy Assistant Secretary for Housing—Federal Housing
Commissioner.

[Docket No. R-79-644]

[FR Doc. 79-11688 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

Direct Federal Report

**Monday
April 16, 1979**

Part V

Department of Transportation

Federal Aviation Administration

**Light Transport Airplane Airworthiness
Review Conference**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, and 135]

Light Transport Airplane
Airworthiness Review; Notice of
Conference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice announcing a conference.

SUMMARY: This notice announces the location, dates and schedule of the Light Transport Airplane Airworthiness Review Conference and sets forth the conference procedures.

DATES: The Light Transport Airplane Airworthiness Review Conference will be held September 17-21, 1979.

ADDRESSES: The Light Transport Airplane Airworthiness Review Conference will be held at Del Webb's TowneHouse, 100 West Clarendon, Phoenix, Arizona (telephone 602-279-9811). Copies of the compilation of FAA proposals, to be discussed at the conference, are still available and may be requested at the address below. The compilation of public comments and counterproposals, submitted in response to Notice No. 78-17B, may also be requested at the address below and will be available to interested persons after August 6, 1979. Federal Aviation Administration, Flight Standards Service, Airworthiness Review Branch, (AFS-910), 800 Independence Avenue, SW., Washington, DC. 20591.

FOR FURTHER INFORMATION CONTACT: Thomas E. McSweeney, Airworthiness Review Branch, (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. 20591; telephone: 202-755-8714.

SUPPLEMENTARY INFORMATION:**Background**

Information relating to the objectives of this review and additional information relating to this conference are contained in Notice No. 78-17, "Light Transport Airplane Airworthiness Review" (43 FR 60846; December 28, 1978); Notice No. 78-17A, "Light Transport Airplane Airworthiness Review Discussion Forum" (44 FR 7057; February 5, 1979); and Notice No. 78-17B, "Invitation to Submit Proposals for Consideration; Postponement of Review Conference" (44 FR 16856; March 19, 1979). This notice reschedules the

conference postponed by Notice No. 78-17B.

A compilation of FAA proposals has been distributed to known interested persons. Conference and hotel preregistration forms are being sent, along with a copy of this notice, to known interested persons and the compilation of public comments and counterproposals will be sent by August 6, 1979. Interested persons who have not received this material may request it at the above-mentioned address. The compilation of public proposals and compilation of FAA proposals will form the agenda for the Review Conference.

Conference Procedures

Persons who plan to attend the conference should complete both the conference and hotel preregistration forms and mail them so that they are received by August 17, 1979. This will ensure a room at the conference hotel site. In addition, those who plan to attend the conference should be aware of the following procedures which are established to facilitate the working of the conference:

(a) There will be no admission fee or other charge to attend and participate. All conference sessions will be open, on a space-available basis, to all persons who register to attend. If necessary to complete the conference agenda, sessions may be extended to evenings. If practicable, the conference may be accelerated to enable adjournment in less than the time scheduled.

(b) The conference will be chaired by the FAA. It will convene and remain in plenary or committee sessions to discuss the proposals forming the conference agenda. If the need arises to resolve a specific issue, the conference chairpersons may form a special committee, identifying its various members. The chairperson of this committee will be an FAA employee, who will report the committee's recommendation to the conference chairpersons.

(c) All conference sessions will be recorded by a court reporter. Anyone interested in purchasing a copy of the transcript of proceedings should contact the court reporter directly. A copy of the transcript will be docketed. In addition, the sessions will be tape recorded.

(d) The FAA will not consider material presented at the conference by participants on any issue that is not contained in either the compilation of FAA proposals or public comments and counterproposals. Position papers or other handout material may be accepted at the discretion of the chairpersons. However, enough copies must be

provided for distribution to all conference participants.

(e) Proposals appearing in either compilation of proposals will not necessarily be included in a notice of proposed rule making. The FAA will decide, in postconference analysis, which proposals will be revised, expanded, or accepted without change and which will be deferred or rejected. Statements made by FAA participants at the conference should not be taken as expressing a final FAA position.

(f) The proposals in both compilation of proposals and related conference discussions will be used by the FAA as a basis for developing a notice of proposed rule making which will be published in the *Federal Register*. This notice, when published, will provide interested persons with an opportunity to comment on specific proposed amendments to the Federal Aviation Regulations. Final rules adopted pursuant to that notice will be issued after consideration of all comments received.

Tentative Conference Schedule

The major conference proceedings will be conducted through four committees identified with their areas of coverage as:

- I—Flight (Subpart B).
- II—Airframe (Subparts C and D).
- III—Powerplant (Subpart E).
- IV—System and Equipment (Subpart F).

In addition, the requirements in Subpart G will be divided according to committee responsibility as defined in the schedule below. The material in Subpart A (General), the Appendices, Part 135, and miscellaneous proposals will be discussed in the plenary sessions. The tentative schedule for the plenary sessions and the working committees is shown below. A notice will be published in August containing the detailed conference schedule. Lunch breaks are scheduled from noon until 1:30 each day.

Monday, September 17, Plenary Session**Morning**

- 9:30—Call to Order.
- 9:45—Welcoming Address.
- 10—Prologue; Conference Mission.
- 11—Subpart A.

Afternoon

- 1:30—Subpart A, Appendices to Part 24.

Tuesday, September 18, Through Thursday, September 20

Concurrent Committee Meetings (9-5).

I—Flight (Subpart B) plus §§ 24.1501, 24.1503, 24.1523, 24.1525, 24.1533, 24.1563, 24.1581, 24.1583, 24.1585, and 24.1587 of Subpart G.

II—Airframe (Subparts C and D) plus §§ 24.1519, 24.1524, 24.1527, 24.1529, 24.1531, 24.1541, 24.1557, and 24.1561 of Subpart G.

III—Powerplant (Subpart E) plus §§ 24.1521, 24.1522, 24.1549, 24.1551, 24.1553, and 24.1555 of Subpart G.

IV—Systems and Equipment (Subpart F) plus §§ 24.1543, 24.1545, and 24.1547 of Subpart G.

Friday, September 21, Plenary Session

Morning

9:00—Appendices to Part 24, Miscellaneous Proposals, and Part 135 proposals.

Afternoon

1:30—Conference Summary.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to: Thomas E. McSweeney, Airworthiness Review Branch, (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C. on April 9, 1979.

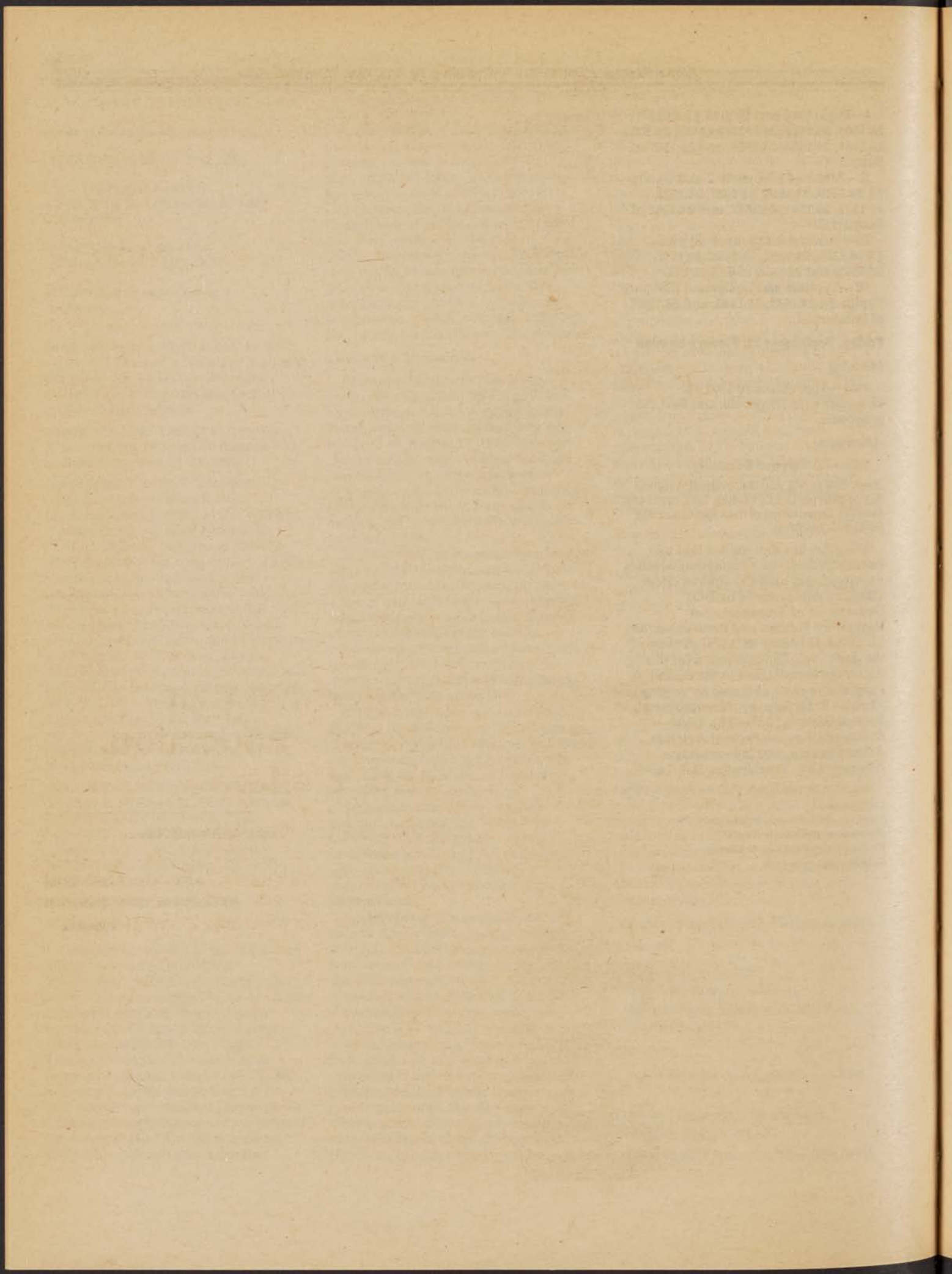
J. A. Ferrarese,

Acting Director, Flight Standards Service.

[Docket No. 18600; Notice No. 78-17C]

[FR Doc. 79-11711 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-13-M



Estimate of Federal Funds

Monday
April 16, 1979

Part VI

Department of Health, Education, and Welfare

National Institute of Education

Program of Research Grants on Law and
Government Studies in Education; Interim
Final Rules for Awarding Federal Funds

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

45 CFR Part 1495

Program of Research Grants on Law and Government Studies in Education; Interim Final Rules for Awarding Federal Funds

AGENCY: National Institute of Education (NIE), Department of Health, Education, and Welfare.

ACTION: Interim Final Rule.

SUMMARY: This Interim Final Rule establishes and governs a discretionary grants program of research studies of how legislative, administrative, and judicial policies and governmental organizations affect education, especially those policies that are contained in laws and legal rules that affect how education officials carry out their responsibilities. It states eligibility requirements, funding criteria, and other rules for administering grants under this program. It affects eligible institutions, organizations, and individual researchers by defining the types of projects to be funded and the competitive procedures and standards for selecting the best projects.

EFFECTIVE DATES: This Interim Final Regulation is expected to become effective 45 days after it is transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the *Federal Register*. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of this regulation, call or write the National Institute of Education contact person.

This regulation covers all applications submitted through the end of December 1979. After that time, it is anticipated that the grants program will be covered by a consolidated regulation that NIE is planning to develop. If the consolidated regulation has not been published by December 31, 1979, NIE will publish a notice to extend the existing regulation or a notice to amend this regulation based on public comment.

COMMENT DATE: Comments must be received on or before June 15, 1979. Although HEW waived having a Notice of Proposed Rule Making for this program, interested persons are invited to submit their written comments concerning these rules. As NIE develops its consolidated regulation for grants

programs, it will consider all relevant material, including public comments submitted in response to this Interim Final Regulation.

FOR FURTHER INFORMATION CONTACT:

Donald W. Burnes, Legal and Governmental Studies Team, Law and Public Management Program, EPO, National Institute of Education, Room 712-C, Mail Stop 19, 1200 19th Street, NW., Washington, D.C. 20208, 202-254-6070.

SUPPLEMENTAL INFORMATION:

The Director of NIE, with the approval of the Secretary, has determined that rulemaking must be waived because it is impracticable and contrary to the public interest. It is not possible to follow rulemaking and still conduct a grants competition in this fiscal year. Applicants need a month to prepare preliminary proposals and at least a month to prepare full proposals. The review of proposals and the formal preparation of comments will take six weeks at each stage of the application process. In light of these time requirements, rulemaking would be impracticable if awards are to be made in FY 1979. This research grants program in the legal studies area expands upon a research area previously funded under the Basic Skills Research Grants Program (45 CFR Part 1451). The new program is similar to a previously approved program which was developed with full public participation and a very small amount of funds is involved. Additionally, NIE is issuing interim final rules at this time since the Legal and Governmental Studies program and other similar programs will be incorporated into a single, comprehensive research grants program regulation. Comments received in response to this interim final rule will be considered in developing the comprehensive research grants program regulation. Also, the comprehensive regulation will be issued as a proposed regulation with opportunity for public comment.

A. Background

Over the past several decades, policymaking in education has been greatly influenced by three related developments. First, State and Federal agencies have become more active in education policy. Second, issues of educational equity have acquired greater prominence. Third, policies have increasingly taken the form of legal rules embodied in court decisions, statutes, and regulations. Policymakers have employed formal legal processes to resolve disputes, to reallocate resources,

and to meet demands from new groups regarding educational priorities. These three developments have raised practical, political, and conceptual questions about intergovernmental relations and the role of law and legal institutions in education.

Despite these important trends, local school districts have not always reacted positively to the increase in Federal and State direction. In some cases, they have found Federal and State regulations ambiguous and difficult to comprehend. In others, the rules from one program appear to be in conflict with those of another. In still other cases, districts have even found Federal and State priorities inconsistent with their own goals and objectives. Thus, as Federal and State involvement has increased, a growing tension has emerged about the nature of Federal and State involvement in education and the local district's ability and authority to establish its own educational programs.

B. Program Purpose and Eligible Activities

The purpose of the Program of Research Grants on Law and Government Studies in Education is to conduct research on how the legislative, executive, and judicial branches of State and Federal government carry out their responsibilities in the area of education. The program will seek research which focuses on the formation and implementation of policy, the analysis of government operations affecting education, and the impact of government on education practice. Particular attention will be paid to issues of educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quantity and quality of those services.

C. Drafting Information

This regulation was developed by staff of the Legal and Governmental Studies Team, Program on Educational Policy and Organization. In addition, individuals, State and local governments, and educational and research organizations participated extensively in its development.

Application Information:

Applications, instructions, and program information are available from the program staff of the Legal and Governmental Studies Team, Program on Educational Policy and Organization, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Telephone, 202-254-6070.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development)

Dated: March 6, 1979.

Patricia Albjerg Graham,

Director, National Institute of Education.

Approved: April 7, 1979.

Joseph A. Califano, Jr.,

Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV, a new Part 1495, reading as follows:

PART 1495—LAW AND GOVERNMENT STUDIES IN EDUCATION

Sec.

1495.1 Scope.

1495.2 Purpose.

1495.3 Definitions.

1495.4 Applicant eligibility.

1495.5 Eligible projects.

1495.6 Ineligible projects.

1495.7 General requirements.

1495.8 Major grants and small grants.

1495.9 Application requirements.

1495.10 Review procedures.

1495.11 Evaluation criteria.

1495.12 Project duration and budget.

Authority: Sec. 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1495.1 Scope.

This part establishes rules governing the submission and review of applications for funds under the Program of Research Grants on Law & Government Studies in Education conducted by the National Institute of Education with funds authorized by Section 405 of the General Education Provisions Act, as amended.

§ 1495.2 Purpose.

The purpose of the Program of Research Grants on Law and Government Studies in Education is to conduct research on how the legislative, executive, and judicial branches of State and Federal government carry out their responsibilities in the area of education. The research will focus on the formation and implementation of policy, the analysis of government operations affecting education, and the impact of government on education practice. Applicants are encouraged to address issues that concern educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quantity and quality of those services.

§ 1495.3 Definitions.

As used in this part—
"Research" includes any activity designed to increase or synthesize knowledge about the development,

implementation, and impact of policymaking regarding educational issues and problems within the context of Federal, State, and local programs.

§ 1495.4 Applicant eligibility.

(a) A college, university, State or local educational agency, or other public or private non-profit or for-profit agency, organization, or group, or an individual is an eligible applicant. A grant to a for-profit organization is subject to any special conditions that the Director may prescribe.

(b) The Director funds no more than one application per grantee or principal investigator under each competition.

§ 1495.5 Eligible projects.

(a) Research funded under this part must be designed to increase or to synthesize knowledge about—

(1) How Federal and State legislative, administrative, and judicial policies in education are developed and implemented and how they affect local educational agencies;

(2) How Federal and State government units are organized and managed to administer education; or

(3) How the intergovernmental system might function more effectively in the field of education.

(b) Applications are encouraged to address issues that concern educational equity, including, but not limited to, the availability of services, patterns of service delivery, and the quality and quantity of those services.

§ 1495.6 Ineligible projects.

The following projects are ineligible—

(a) A project whose primary purpose is the operation, development, demonstration, or evaluation of specific programs or materials.

(b) A project that examines the implementation and impact of a single education policy—for example, the Education of the Handicapped Act—unless it shows promise of significantly increasing our knowledge about—

(1) the role of law in education;

(2) The role of various government operations in affecting educational practice; or

(3) The public administration of education at State and Federal levels.

(c) Litigation, research in support of litigation, or other legal advocacy activities.

(d) Legal advice on the implementation of particular education laws or regulations.

§ 1495.7 General requirements.

(a) The following are general requirements for all projects funded under this program. Each project shall—

(1) Provide arrangements for obtaining advice about the use of the concepts and methods from scholarly disciplines and from education practice for the design of the project and the application of its results;

(2) Seek advice from minority group members, women, and educational practitioners during project planning and as the work progresses;

(3) Provide a detailed report and assessment of the work carried out by the project; and

(4) Prepare and disseminate information about—

(i) The nature and progress of the project;

(ii) The results of project; and

(iii) Recommendations and instructions for adopting the results of the project in whole or in part in other locations.

(b) A grantee shall administer funds according to applicable provisions of Subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters) (45 CFR Parts 1400–1424), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1495.8 Major grants and small grants.

(a) *General.* The Director awards major grants and small grants under this part. The same topic areas for investigation, eligibility standards, and evaluation criteria apply to all awards under this part. A simplified application procedure is provided for an application for a small grant, as provided in § 1495.9, and the duration of a small grant award is limited to a maximum of 12 months, as provided in § 1495.12.

(b) *Major grants.* A major grant is for an amount in excess of \$10,000 of direct costs.

(c) *Small grants.* A small grant is awarded for no longer than 12 months duration and for an amount that does not exceed \$10,000 plus indirect costs (except in the case of an individual applicant not affiliated with any institution, in which case the Director does not award indirect costs but reimburses reasonable general and administrative expenses associated with and directly related to administration of the small grant). Approximately 10 to 15 percent of the funds available for this program are reserved for small grant awards.

§ 1495.9 Application requirements.

(a) *General.* An applicant is eligible to be considered for an award only after it submits a grant application to the Director which is reviewed and evaluated as described in Sections 1495.10 and 1495.11 of this part. An eligible applicant shall file an application specifically directed to either the major grant of the small grant segment of the Program.

(b) *Major grants.* An applicant for a major grant shall comply with the requirements set forth in this paragraph and in Appendices A and B.

(1) *Preliminary proposals.* An applicant shall submit a preliminary proposal for initial review in the format prescribed in Appendix A.

(2) *Full proposals for major grants.* A full proposal for a major grant may only be submitted after an applicant has submitted a preliminary proposal, and after it has been reviewed by NIE. Information concerning the strengths and weaknesses of the preliminary proposal and its standing relative to other proposals reviewed will be provided to the applicant. Format requirements for the full proposal for a major grant are provided in Appendix B.

(c) *Small grants.* An applicant for a small grant shall comply with the requirements set forth in Appendix C. (An applicant for a small grant does not have to submit a preliminary proposal.)

§ 1495.10 Review procedures.

(a) In the research grants competition announced under this program, major grant and small grant applications form two separate review categories. Within each category, individual applications are reviewed and evaluated in competition with the other applications in that category.

(b) In deciding whether or not to fund an application, the Director may take into account the rating given to the application's content by staff of the Institute and by experts. The Director may also consider information from Federal, State, or local officials or from the public that bears upon the evaluation criteria described in the next section.

(c) Applications for small and major grants are accepted throughout the fiscal year and are reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review are published in the *Federal Register*. An application for a major grant which has been disapproved for funding in one review may be revised and submitted for consideration in any later cycle without submitting a new

preliminary proposal. Funds available to the program in a fiscal year are tentatively allocated to each review cycle. However, the amount of funds awarded in any particular review cycle may vary, depending on the quality of applications received and the amount of funds requested by the most meritorious applications.

(d) Each applicant will be notified of the approximate ranking of the preliminary proposal among those reviewed as well as of any particular strengths or weaknesses found during the review. An applicant whose preliminary proposal addresses a topic outside the areas of this program as described in § 1495.5, or involves an ineligible research procedure as described in § 1495.6, will be notified after the initial review, and may submit a full grant proposal with corrections. The comments furnished from the initial review will not constitute a commitment by the Director to award funds to the proposed project.

§ 1495.11 Evaluation criteria.

(a) *Criteria.* The Director uses the following criteria to evaluate each preliminary, full, and small grant proposal:

(1) Significance of the proposed research for American education, including its potential contribution to—

- (i) Fundamental knowledge about enduring and significant problems of American Government in relation to education, including but not limited to issues of educational equity; and
- (ii) The improvement of educational practice at the regional, State, and local level.

(2) The quality of the plans describing how the proposed research can or will be used to improve educational practice.

(3) The quality of the proposed research project, including—

- (i) Adequacy of the design, methodology, instrumentation, and generalizability of the results;
- (ii) Likelihood of success for the project;
- (iii) The extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it;
- (iv) Evidence that, where appropriate, the perspectives of a variety of disciplines are combined;
- (v) Evidence that the grantee or investigators collaborate with practitioners during the definition of research questions and during the progress of the study; and
- (vi) Evidence that the research is conducted in a manner that benefits the participants in the research settings.

(4) Qualifications of the proposed grantee or principal investigator and other professional personnel as evidenced by—

- (i) Experience and previous research productivity;
- (ii) Quality of the discussion and analysis in the application;
- (iii) Evidence of awareness and sensitivity to the special concerns of any target population to benefit from the research; and
- (iv) Evidence that the practical and research experience of the grantee or principal investigator and others are appropriate for the topics, subjects, and settings of the study.

(5) Adequacy of the facilities and arrangements available to the grantee or investigator to conduct the proposed study, including evidence of access to necessary organizations, groups, and individuals for study purposes and the willingness of study populations to participate in the proposed research.

(6) Reasonableness of the budget for the work to be done and for the anticipated results.

(b) *Diversity of projects.* In making awards the Director considers, in addition to the criteria in paragraph (a) of this section, the objectives of funding a diverse set of projects that collectively address—

(1) A variety of research needs in the area of law and government studies in education;

(2) Other research needs of the National Institute of Education; or

(3) The educational needs and interests of other Federal agencies.

(c) *Inapplicable criteria.* General criteria in 45 CFR 1403.10 of this chapter do not apply to applications submitted under this part.

(d) *Disposition of application.*

Following the review of an application the Director either—

(1) Approves the application in whole or in part for the amount of funds and subject to the conditions the Director finds appropriate for the completion of the approved project;

(2) Disapproves the application; or

(3) Defers action on the application in a case where additional information is sought.

§ 1495.12 Project duration and budget.

(a) A project supported by a grant under this part (other than a small grant) may be up to three years in duration.

(b) A project supported by a small grant under this part may be up to 12 months in duration.

(c) An application for a major grant that proposes a multiyear project must be accompanied by an explanation of

the need for multiyear support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain these objectives in any years subsequent to the first year of the project.

(d) If the application for a major grant demonstrates to the Director's satisfaction that multiyear support is needed to carry out the proposed project, the Director in the initial notification makes a multiyear award to the grantee. The initial funding period for the award will, in most cases, not exceed 12 months.

(e) The Director approves subsequent funding for multiyear awards described in paragraph (d) of this section in increments for periods not to exceed 12 months, subject to—

- (1) The availability of funds;
- (2) A determination by the Director, based on project progress reports, that—
 - (i) The grantee is in compliance with the award terms and conditions, and other applicable requirements; and
 - (ii) The project has made effective progress to date; and
- (3) Submission of acceptable plans for further work under the grant, including any constructive changes as a result of project evaluation.

Appendix A: Administrative Details for the Preliminary Proposal for a Major Grant

(a) *Preliminary proposal format.* This appendix provides guidance to applicants concerning the preparation of preliminary proposals for major grants. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. The statement summarizing the project, paragraph (2) below, must not exceed 10 double-spaced, typewritten pages. The preliminary proposal should include—

(1) A cover sheet executed by the applicant or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the preliminary proposal is submitted to the Program of Research Grants on Law and Government Studies in Education, NIE; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) A statement summarizing the proposed project, including:

(i) *Description and rationale.* A description of the proposed research, its

relation to what is already known and to the problems of American education, and the importance of its expected addition to knowledge and to the improvement of practice.

(ii) *Procedures.* A description of the procedures to be followed in carrying out the research including such concerns as sampling, data acquisition, instrumentation, and data analyses, where appropriate.

(3) A description of the facilities and arrangements available to the grantee or investigator for conducting the research including access to suitable organizations for study purposes.

(4) A vita for each grantee or principal investigator, including education, applicable experience, and a list of major publications.

(5) An estimated budget covering direct costs, (e.g., salaries and benefits, travel, supplies and materials, communications, services, equipment) and indirect costs to be charged against the grant.

(b) *Submission of preliminary proposals.* All applications for support under this part must be submitted in the number of copies, to the address, and at the times the Director prescribes.

Appendix B: Administrative Details for a Full Proposal for a Major Grant

(a) *Format.* This appendix provides guidance to applicants concerning the preparation of full proposals for major grants. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. Discussion of objectives and design, paragraphs (4) and (5) below, must not exceed 50 double-spaced typewritten pages. A full proposal for a major grant should include the following elements—

(1) A cover sheet executed by the grantee or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the application is submitted to the Program of Research Grants on Law and Government Studies in Education, National Institute of Education; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) An abstract of approximately 200–250 words, stating clearly the objectives and plans of the proposed research.

(3) A table of contents.

(4) A statement of the research objectives, including identification of the problems or issues that the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and the specific questions that the research will address.

(5) A research design clearly linked to the questions that the study will try to answer. The scientific or technical work of the project and methods for its accomplishment should be stated clearly. A discussion of related research with appropriate citations should be included to show that the applicant or principal investigator is thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used should also be explained.

(6) An organization and management plan presenting (i) the arrangements intended for direction, coordination, and control of the project; (ii) the roles, responsibilities, and project time-commitments of proposed staff; (iii) a schedule for major portions of multi-year projects; and (iv) an explanation of any proposed subcontract arrangements.

(7) A description of facilities and arrangements available for the research. If new data are proposed to be collected, the proposal should give evidence of access to suitable organizations for study purposes. Letters of agreement to participate should be included, showing that the relevant authorities in school or school-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study that could place special burdens on parts of the education community may require joint planning and management of the entire project. A proposal for such a study should give detailed information to allow reviewers to judge the adequacy of the arrangement.

(8) A plan for the dissemination of the research findings, including methods for reaching researchers, theorists, practicing educators, and policymakers and implementers.

(9) A vita and bibliography for each professional staff person, including professional background and employment as well as degree of education, a chronological list of publications, and a listing of prior and current research support for each individual, including requests now being considered elsewhere, regardless of source.

(10) An estimate of expenses proposed to be charged against the grant including direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment)

and indirect costs. The proposed budget should include all other details and explanations and should be arranged in such a form as the Director may request in order to allow the cost analyses and other reviews called for by Departmental grant administration policies.

(b) *Submission of applications.* All types of applications for support under this part must be submitted in the number of copies, to the address, and at the times the Director prescribes.

Appendix C: Administrative Details for Small Grant Proposals

(a) *Format.* This appendix provides guidance to applicants concerning the preparation of small grant proposals. An applicant who does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. Discussion of the objectives and design, paragraphs (4) and (5) below, must not exceed 15 double-spaced typewritten pages. A proposal for a small grant should include the following elements—

(1) A cover sheet executed by the applicant or principal investigator—and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution—indicating—(i) that the application is submitted to the Program of Research Grants on Law and Government Studies in Education, National Institute of Education; (ii) the title of the study; (iii) the name, department, institution, address, and telephone number of each proposed grantee or principal investigator; (iv) the estimated budget amount; and (v) the proposed starting date and duration of the project.

(2) An abstract of approximately 200–250 words, stating clearly the objectives and plans of the proposed research.

(3) A table of contents.

(4) A statement of the research objectives, including identification of the problems or issues that the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and the specific questions that the research will address.

(5) A research design clearly linked to the questions that the study will try to answer. The scientific or technical work of the project and methods for its accomplishment should be stated clearly. A discussion of related research with appropriate citations should be included to show that the applicant or principal investigator is thoroughly familiar with current and prior research in pertinent fields. Data to be obtained

and analytic methods to be used should also be explained.

(b) *Submission of applications.* Applications for small grants must be submitted in the number of copies, to the address, and at the times the Director prescribes.

[FR Doc. 79-11712 Filed 4-13-79; 8:45 am]

BILLING CODE 4110-39-M

Estimate Report

Monday
April 16, 1979

Part VII

Department of Housing and Urban Development

Office of Assistant Secretary for
Community Planning and Development

Requirements and Procedures for
Managing a Grant for Comprehensive
Planning Assistance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 600]

Comprehensive Planning Assistance; Managing a Grant

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rule.

SUMMARY: This rule sets forth requirements and procedures for managing a grant for Comprehensive Planning Assistance and reflects changes made in grant administration pursuant to Office of Management and Budget Requirements.

COMMENT DUE DATES: June 15, 1979.

ADDRESSES: Send Comments To: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Joyce Walther or Leroy Gonnella, Office of Community Planning and Program Coordination, Room 7254, Washington, D.C. (202) 472-3970.

SUPPLEMENTARY INFORMATION: This proposed rule presents very little new material. Its purpose is merely to change Handbook 6042.1 REV, Managing a Grant, Comprehensive Planning Assistance, July 1973 into regulation form and update requirements to reflect changes made in grant administration pursuant to the revised Office of Management and Budget circular No. A-102, dated September 12, 1977. There is also some minor streamlining.

The previous Subparts of these regulations explain the policies and procedures an applicant must follow to get a grant. This Subpart, in close conformance to Circular No. A-102, describes the management aspects of grant administration from grant approval to project completion including such items as accounting requisitions, allowable costs, personnel, travel and subsistence, subcontracting, reporting, etc.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

Accordingly, it is proposed that 24 CFR Part 600 be amended as follows:

1. The Table of Contents is amended by adding a new Subpart G to read:

Subpart G—Managing a Grant

- Sec.
600.400 General information.
600.405 Administrative policies of the grantee.
600.410 Fiscal management.
600.420 Monitoring and reporting of program performance.
600.425 Planning and management reports.

Appendix

1. Planning Depository Libraries.
2. State Depository Libraries.
3. Planning School Libraries.
4. Project Inspection Fee Schedule.

Authority: Sec. 7(d), Dept. of Housing and Urban Development Act, 42 U.S.C. 3535(d), Sec. 701 of the Housing Act of 1954, as amended, 40 U.S.C. 461, et seq.

Subpart G—Managing a Grant

§ 600.400 General information.

(a) *Purpose.* The purposes of this subpart are to set forth requirements and procedures for managing a Comprehensive Planning Assistance grant and reflect changes made in grant administration pursuant to the revised Office of Management and Budget Circular No. A-102 dated September 12, 1977, and Federal Management Circular 74-4. Other Subparts of these regulations explain the policies and procedures an applicant must follow to get a grant. This subpart describes the management aspects of grant administration from grant approval to project completion, including such items as accounting, requisitions, allowable costs, personnel, travel and subsistence, subcontracting and reporting.

(b) *Application.* This Subpart applies to all types of Comprehensive Planning Assistance grantees (including subgrantees and subcontractors) except those with publicly financed educational institutions subject to Federal Management Circular 73-8. All grants made before the effective date of this Subpart may be completed under the terms and conditions thereof and in conformance to the policies and procedures in effect at the time the grants were made.

§ 600.405 Administrative policies of the grantee.

(a) *Administrative practices.*—(1) *General policy.* Each grantee must establish or be subject to policies and regulations governing major operating areas such as personnel, compensation, annual and sick leave, travel, procurement and other administrative practices. Such policies and regulations must be used in preparing budgets

submitted for HUD approval and are subject to the following limitations:

(i) *That such policies and regulations* are not inconsistent with HUD regulations governing eligible costs (see § 600.410(f));

(ii) *That costs* are within the limits of the approved budget;

(iii) *That when the costs are less than* the maximum permitted by these requirements, the cost charged to the planning grant shall be based on the lower amount; and

(iv) *That the cost for each trip to a destination outside the jurisdiction of the grantee, which is to be charged wholly or in part to a planning grant, be specifically approved by a designated official of the grantee as necessary to the conduct of the work authorized by the grant documents.* This does not pertain to routine trips to nearby communities to carry out the normal functions of the grantee.

(2) *Grantees subject to or adopting State or municipal policies.* When the grantee's administrative practices are governed by State or municipal policies or regulations applicable to all units of State or local government and all employees, such administrative practices will be considered satisfactory to HUD to determine the eligibility of costs subject to the limitations stated in paragraph (a)(1) of this Section.

(3) *Grantees electing to establish independent policies.*—(i) *Adoption and approval.* When a grantee adopts policies and regulations governing administrative practices other than those of a State or municipality as indicated above, the policies so adopted must be established in writing, and approved by resolution of its governing body (board, commission, council, etc.). The policies and a written explanation of how the grantee has determined that such administrative practices are comparable with pertinent local public practice must be retained in the grantee's office.

(ii) *Limitations on independent policies and regulations governing administrative practices.* When a grantee elects to adopt independent policies or when comparability to local public practices is not possible due to the lack of established public practices, the following limitations shall apply.

(A) *Leave.* Costs charged against the planning grant shall not exceed 13 days annually for sick leave nor the following annually for vacation leave.

(1) For employees with less than 3 years service—13 days;

(2) For employees with more than 3 but less than 15 years of service—20 days; and

(2) For employees with 15 or more years of service—28 days.

The cumulative maximum carryover of unused vacation leave shall not exceed 30 days. Payment for unused sick leave shall not be provided and payment for unused vacation leave may only be paid upon separation.

(B) *Fringe benefits and travel.* When a grantee elects to adopt independent policies or when comparability to local public practices is not possible due to the lack of established public practices, the benefits provided shall apply equally to all employees and be consistent with established HUD guidelines. Charges against the grant for travel may not exceed the maximum charges permitted under Federal travel regulations. Further information is available from the HUD office managing the grant.

(4) *Travel expense of job candidates and moving expense of new employees.* The policy of the grantee may provide for payment of (i) travel expense for employment interviews incurred by candidates for permanent professional and supervisory positions, and (ii) moving expenses incurred by new employees, including moving expenses for their immediate families and household goods and personal effects, provided the incurring of such expenses are authorized in each instance in advance by official action of the grantee, and the authorization includes a determination that the expense is reasonable and necessary in the particular case. Reimbursement for travel expense must be on a basis which does not exceed that provided for regular employees in the grantee regulations.

(b) *Procurement standards.*—(1) *General policy.* The procurement of supplies, equipment and services shall be consistent with the requirements of OMB Circular No. A-102, Attachment O, Procurement Standards. All procurements not specifically provided for in the grant budget shall be referred to HUD for prior approval. Requirements for equipment purchases are contained in § 600.410(f)(2).

(2) *Special limitation.* Grantees are prohibited from using Comprehensive Planning Assistance funds to pay the salary of a consultant in excess of the daily equivalent rate paid for GS-18 Federal employees. For this purpose, a consultant is an individual who is hired for a temporary or interim period, under an employer-employee type relationship, to provide advice or expertise that cannot be provided by regular staff. The salary paid to such individuals is subject to the GS-18 limitation. This limitation

is not applicable to consultant services provided under an independent Contractor relationship. Such contracts will be governed by the Procurement Standards of Attachment O of OMB Circular A-102.

(c) *Political activities.* Section 12(a) of the Hatch Act, 5 U.S.C. 73, 721-727, restricts the political activities of some non-Federal employees if their principal employment is in connection with an activity financed in whole or in part by a Federal grant. These restrictions are enforced by the Civil Service Commission. The restrictions prohibit:

(1) *Use of official authority* or influence for the purpose of interfering with an election or nomination for office, or effecting the result thereof.

(2) *Directly or indirectly coercing,* attempting to coerce, commanding, or advising any other officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(3) *Active participation* in political management or in political campaigns. A pamphlet entitled, "Political Activity of Federal Officers and Employees", commonly referred to as GC-46, is available from the Civil Service Commission. The pamphlet contains more detailed information concerning the applicability of the Hatch Act. Any questions regarding the applicability of the Hatch Act in particular situations should be referred to an agency's own counsel or to the counsel of the HUD office administering the grant.

(d) *Audit requirements.*—(1) *Audit authority.* Sections 814-816 of the United States Housing Act of 1954, as amended, provide that audits may be conducted by, or on behalf of HUD, to ensure that grant funds are being used only to defray eligible costs and that the grant funds are being well managed. Accordingly, the terms and conditions of grant awards between HUD and grantees provide that HUD and the Comptroller General of the United States may make such audits of any grantee as they deem appropriate.

(2) *Audit policy.* Grantee financial management systems shall:

(i) Provide for audits to be made by the grantee or at its direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits not less frequently than once every two years.

(ii) Provide for a final audit at the completion of activities under non-continuous grants.

(iii) Provide for a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(iv) Require subgrantees (recipients of grants which are passed through by the grantee) to comply with the "701" audit policies.

(3) *Audit guide and costs.* (i) The "Audit Guide for the Comprehensive Planning Assistance Program", HUD Handbook IG 6042.2, contains audit standards for all 701 Comprehensive Planning Assistance grants—whether they are performed by auditors employed by State or local governments, independent public accountants (IPAs), or other qualified auditors. Audits made by the grantee or at its direction which meet the above standards will be acceptable to HUD in lieu of an audit made by HUD or at its direction.

(ii) Audit costs may be charged to the "700" program, but shall be prorated on an equitable basis between HUD, and other benefiting Federal grantors, State and local grantors and the grantee.

(4) *Management use of audit reports.* Audits of the books, records and activities of program participants in the 701 program serve to provide both HUD and the local program officials with objective, independent and factual information with regard to the activities that have been conducted under HUD contracts or grant agreements. The management purpose of such audits is to inform HUD program officials and local program officials that the financial interest of HUD and the locality and contract compliance are assured by determining that:

(i) Costs incurred are eligible under the contract and HUD policies, rules and regulations;

(ii) The program participant has complied with the terms and conditions of the grant contract and HUD regulations;

(iii) Receipts are accounted for and disbursements are proper;

(iv) The program participant's accounting system conforms to HUD requirements and affords an adequate degree of internal control.

(5) *Failure on part of grantee to obtain audit.* Failure to obtain an audit may be grounds for disapproval of subsequent grants. If a grantee fails to obtain an audit, as required, HUD shall obtain such audit and the grantee shall promptly reimburse HUD for its costs. Any such amount not immediately repaid will be collected by setoff against

amounts outstanding under any other HUD grant award to the grantee.

(6) Qualifications and independence of auditor—

(i) *Qualifications.* The auditor or audit staff assigned to perform the audit must collectively possess adequate professional proficiency for the work required. If the grantee obtains the services of an independent public accountant (IPA) to make the audit, the IPA should be certified, licensed or registered by a regulatory authority of a State or other political subdivision of the United States and meet any legal requirements concerning registration by the State in which the grantee is located.

(ii) *Independence.* In all matters relating to audit work, the auditor and audit organization shall maintain an independent attitude. If the auditor is not sufficiently independent to produce unbiased opinions, conclusions, and judgments, he should state in a prominent place in the audit report his relationship with the organization or officials being audited.

(iii) *When an IPA is employed to perform the audit,* the IPA will not be considered independent with respect to any grantee with which such IPA has, or has had during the period covered by audit, any relationship deemed as creating a conflict of interest: family relationship with grantee officials, officer or employee (whether or not paid) of the grantee, and financial interest, either direct or indirect, in any grantee activity (other than in the performance of the audit function).

(iv) *Auditors employed by State or local governments* will be considered independent if they are sufficiently removed from political pressures to ensure objectivity in performing the audit and reporting the conclusions thereon. To achieve maximum independence, such auditors and the audit organization itself should report to the highest practical echelon within the governmental organization, be organizationally located outside the line-management function of the entity being audited, and be placed under a merit system for determining compensation, training, job tenure, and advancement.

(7) *Audit period and costs.* The audit period will generally cover a period of two years commencing from the ending date of the period covered by the last audit. Preferably, the end of the audit period should coincide with the close of the audit entity's fiscal year. The HUD share of the audit costs should be added to the grantee's overhead item in the Annual Grant Budget and identified in

the Program Administration section of the Overall Program Design.

(8) *Documentation supporting selection of auditor.* The selection of an auditor shall be based on provisions of OMB Circular A-102, Attachment O (Procurement) or, if a governmental auditor is selected, grantee files shall include the authority for such audit and the basis for determining the fee.

(9) *Suggested scope of audit and form of audit report—*(i) *The grantee should furnish interested auditors with a copy of the HUD Audit Guide and pertinent regulations, Part IV of the Grant Document, and any pertinent local requirements or policies.* The suggested minimum scope of audit and suggested form of audit report are contained in the Audit Guide. The audit report should contain an opinion on the fairness of the financial statements and data on findings and other pertinent financial information.

(ii) *In some cases,* the auditor may request the grantee to prepare a Representation Letter at the close of the audit. This letter deals with the status of particular accounts and any other facts which might affect the overall accuracy of the financial statement.

(10) *Submission of audit report and access to working papers—*(i) *Submission of Report.* The Audit Report is distributed as follows:

(A) Five copies to the applicable Regional Inspector General for Audit (RIGA). The name, address and jurisdiction of RIGAs are included as Appendix 2 of the Audit Guide.

(B) Sufficient copies to the grantee to satisfy its needs (as specified in the contract).

To facilitate the review of the report by HUD and the determination of its acceptability, the grantee should authorize the auditor, in the contract, to make simultaneous distribution of the Audit Report to HUD and the grantee.

(ii) *Access to working papers.* The grantee should also provide in the contract that the working papers are to be made available during the audit and for a period of three years thereafter to representatives of HUD on request by the Inspector General or his representatives. The working papers can be reproduced by HUD at its own expense, if such need arises. Such a provision will enable the grantee and HUD to determine whether the audit standards have been met.

(11) *Review of audit report by HUD.* The RIGA will review the Audit Report to determine whether the scope of audit and the format of Audit Report are, as a minimum, equal to the suggested

guidelines in the Audit Guide, and will immediately advise the grantee of any significant deficiencies in the Audit Report which need correction. It is the grantee's responsibility to assure the audit report submitted to HUD meets generally accepted auditing standards. The HUD office managing the grant should be notified when audit reports are submitted to RIGA.

§ 600.410 Fiscal management.

(a) *General.* This Section prescribes the principles which must be followed by a grantee to account for the funds, costs and activities authorized under a Comprehensive Planning Assistance Grant, to obtain the funds due the grantee under the grant, and to prepare and transmit to HUD necessary financial statements.

(b) *Basic responsibilities—*(1) *Primary Responsibility.* The primary responsibility for the establishment and maintenance of adequate procedures and internal financial controls governing the management and utilization of Federal funds rests with the grantee.

(2) *Advice and assistance.* The grantee should look first within its own organization, to public financial officers, or to independent public accountants for advice and assistance in establishing the necessary accounting and financial control systems based on the guidelines and requirements in this section. If necessary, however, HUD will, upon request, assist the grantee in establishing the necessary systems. Standards for the development of an adequate system may be found in HUD Handbook 1900.2, Financial Aspects of Administration of Grants-in-Aid, Loans and Contracts with Program Participants.

(3) *Using existing governmental capacity.* It is suggested that new grantees organize in such a way that, wherever possible, the existing facilities of a city, county, or State can be utilized to perform the necessary accounting and fiscal management functions.

(c) *Financial management.* Grantees shall have financial management systems which comply with OMB Circular A-102, Attachment G, Standards for Grantee Financial Management System.

(d) *HUD evaluation.* If HUD has had no prior experience with a grantee or its designated fiscal agent, HUD will conduct an evaluation of the grantee's financial management system prior to disbursing any program funds or issuing a letter of credit under the terms of the grant award to assure that the grantee's financial management system is in

compliance with paragraph (c) of this section.

(e) *Property management standards.* Grantees may use their own property management standards and procedures as long as the provisions of OMB Circular No. A-102, Attachment N, Property Management Standards, are included. Requirements for equipment purchases are contained in § 600.410(f)(2).

(f) *Eligible Costs—(1) Basic criteria.* To be eligible under the Comprehensive Planning Assistance Program, costs must be:

(i) Necessary and reasonable for proper and efficient administration of the Comprehensive Planning Assistance Grant, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of the grantee.

(ii) Authorized or not prohibited under State or local laws or regulations.

(iii) In conformity with any limitations or exclusions set forth in these principles, the Approved Budget and grant agreement, these regulations, Federal laws, or other governing limitations as to types or amounts of cost items.

(iv) Consistent with policies, regulations, and procedures that apply uniformly to both Federally assisted and other activities of the unit of government of which the grantee is a part.

(v) Accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

(vi) Not allocable to or included as a cost of any other Federally financed program in either the current or a prior period.

(vii) Net of all applicable credits and make no provision for profit or other increment above cost.

(2) *Cost principles for allowable and unallowable costs.* Federal Management Circular 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments, shall be applicable except that equipment and other capital acquisitions will not be allowed. Grantees may be compensated for the use of buildings and equipment through use allowance or depreciation.

Project inspection fee. The necessary expenses of Federal inspections, audits, and technical assistance with respect to a grant must be compensated by grantees through the payment of fixed fees. Provision for this fee will be made in each grant. The project inspection fee will be based on the Federal grant amount and will be determined from the Project Inspection Fee Schedule

included in Appendix 4. The fee is an eligible project cost and grantees may be reimbursed for such costs in the same ratio as for other eligible project costs. If the grant amount is subsequently amended to increase the grant amount, the fee will be increased accordingly. However, there will not be any downward adjustment of the fee based on a reduced grant amount or on a lower final grant amount calculated on the basis of final costs.

(4) *Indirect cost circulars.* For grantees which are departments or other units of a State, the provisions of HUD Circular 1900.9 dated August 29, 1969, shall apply. Where the grantee determines it is preferable, such as when other agencies are utilizing HEW procedures, the provisions of HEW document OASC-10, "A Guide for State and Local Government Agencies," are an acceptable substitute for HUD Circular 1900.9. Indirect proposals of grantees for which HUD is cognizant shall be forwarded to the appropriate Area Office for approval. Grantees other than those which are subdivisions of State government shall recover indirect costs in accordance with the provisions of HUD Circular 1900.13 "Principles and Standards for Cost Applicable to Grants and Contracts with Local Governments." Where the grantee determines it is preferable, the provisions of HEW document OASC-10, "A Guide for State and Local Government Agencies," are an acceptable substitute for HUD Circular 1900.13.

(g) *Matching Share—(1) Non-Federal matching share.* Expenditures or contributions used as the non-Federal share shall represent an amount equal to or greater than one-third ($\frac{1}{3}$) of total project costs. The grantee shall not expend Federal funds in relation to non-Federal funds at a ratio greater than the Federal share of the grant bears to the non-Federal share of the grant.

(2) The provisions of OMB Circular No. A-102, Attachment F, Matching Share, shall be used to determine the allowability of cash and in-kind contributions made by grantees, subgrantees or third parties.

(h) *Program income.* Grantees shall account for program income related to Comprehensive Planning Assistance projects in the manner prescribed by OMB Circular No. A-102, Attachment E, Program Income.

(i) *Financial reporting.* Grantees shall make financial reports on Comprehensive Planning Assistance grants in the manner prescribed by OMB Circular No. A-102, Attachment H,

Financial Reporting Requirements, except as modified by these regulations.

(1) *Basis for reporting.* All reports shall be submitted on the accrual basis. If the accounting records are not normally kept on the accrual basis, the grantee shall develop such information through an analysis of the documentation on hand.

(2) *Financial status report.* Each grantee shall use the Financial State Report (HUD-237) to report the status of funds for all outstanding grants.

(3) *Frequency of reporting.* The Financial Status Report shall be submitted in an original and two copies within 90 days after the completion of the project. If the HUD Area Office determines that a grantee's financial management activities are inadequate more frequent reports may be requested.

(4) *Report of Federal cash transactions.* This report will not be used by 701 grantees. The request for payment or requisition for payment will be used to monitor grantee cash balances and to get disbursement information.

(j) *Project and budget revisions.* Grantees shall report deviations from grant budgets and request approvals for budget revisions in the manner prescribed by Attachment K of OMB Circular No. A-102, Budget Revision Procedures, except as modified by these regulations.

(1) The transfer of amounts budgeted for indirect costs to absorb increases in direct cost shall require prior HUD approval.

(2) The transfer of amounts budgeted for use by a specific applicant category (State, local assistance, metropolitan, nonmetropolitan, large city, urban county, Indian and other) to increase the amount budgeted for a different applicant category shall require prior HUD approval.

(3) The transfer of funds among direct cost categories, or among programs, functions and activities for awards in which the Federal share exceeds \$100,000 when the cumulative amount of such transfers exceeds or is expected to exceed five percent of the total budget shall require prior HUD approval. No transfer may be made that would cause any grant funds, or part thereof, to be used for purposes other than those intended.

(4) Grantees must maintain a record of all budget revisions that do not require prior HUD approval.

(k) *Grant payments.* Payments to grantees will be made in the manner prescribed by OMB Circular No. A-102, Attachment J, Grant Payment

Requirements, except as modified by these regulations.

(1) *Cash depositories.* There are no eligibility requirements for State and local governments except as provided for by OMB Circular No. A-102, Attachment A. Grant payment checks will be mailed by the U.S. Treasury Department directly to the bank designated by the recipient for credit to the recipient's bank account and shall not be mailed directly to the recipient's office. In the case of State governments however, checks may also be mailed directly to: (1) The State Treasury, or (2) the State Treasurer or Comptroller. In the case of disbursements based on requisitions for funds sent to HUD, as distinguished from requests for funds sent directly to the U.S. Treasury Department, the appropriate HUD accounting office shall advise the recipient at the time the schedule for payment is submitted to the U.S. Treasury Department of the amount of Federal funds that the U.S. Treasury will transmit by check.

(2) *Use of minority banks.* Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees are encouraged to use minority banks.

(3) *Bonding and insurance.* Grantees shall satisfy the requirements of State and local laws, as applicable, relative to bonding and insurance.

(4) *Requisition form.* Form HUD-259, Requisition for Grant Payment, shall be submitted to the HUD office managing the grant to requisition a grant payment or advance by Treasury Check. Detailed instructions are contained in HUD Circular 1900.17, Requisition for Grant Payment Procedures.

(5) *Requisition submission.* Requisitions for advances by Treasury Check or reimbursement shall be submitted in accordance with the following:

(i) *Initial requisition.* The initial requisition may be submitted to HUD after receipt by the grantee of the executed Grant Documents.

(ii) *Establishing fiscal management.* The requirements for establishing adequate fiscal management procedures as set forth in § 600.410(d) must be met before HUD will process the initial requisition.

(iii) *Interim requisitions.* Interim requisitions, when on a reimbursable basis, may be submitted either on a monthly, quarterly or semi-annual basis. The grantee can expect to receive a check within ten days to two weeks after the requisition has been received by HUD.

(iv) *Overpayments.* Overpayments, if not immediately repaid, will be collected by setoff against amounts due under any other Comprehensive Planning Assistance grant award to the grantee.

(v) *Final requisition.* Payment of final requisition will not preclude the government from collecting any excess payment made to the grantee due to ineligible costs which are discovered during the final settlement or periodic audit of the grantee's books and records.

(6) *Letter of Credit procedures.* The letter of credit will be administered in accordance with HUD Circular 1900.23, Rev. (Treasury Regional Disbursing Office).

(7) *Advances by Treasury Check.* Advances by Treasury Check shall be requested in amounts to meet immediate disbursement needs.

(1) *Grant closeout.* Grant closeouts will be carried out in the manner prescribed by OMB Circular No. A-102, Attachment L, Grant Closeout Procedures, except as modified by these regulations and the provisions of the Notice of Grant Award (contract).

(1) *Final payment.* Upon request, HUD will make prompt payment to a grantee for allowable reimbursable costs under the grant being closed out.

(2) *Settlement documentation.* Within 90 days after the date of completion the grantee shall submit the following:

- (i) Financial Status Report;
- (ii) Annual Program Report;
- (iii) One copy of all reports, maps, plans and other documents identified in the Annual Program Report.

(iv) An accounting for any property acquired with grant funds, or received from HUD in accordance with the provisions of § 600.410(e).

(3) *Determination of completion and compliance.* HUD shall review the settlement documentation to determine whether it constitutes adequate and acceptable evidence that the required project work has been completed in an acceptable manner, all conditions and regulations have been met by the grantee or properly waived by the Department, and there are no unresolved qualifications or objections to final settlement of the grant agreement.

(4) *Financial settlement.* HUD, following the above reviews shall make any upward or downward adjustments to the Federal share of costs, subject to the availability of funds, and make a settlement with the grantee accordingly. Any such settlement shall be subject to final audit as noted in paragraph (1)(5) of this section.

(5) *Final audit.* In the event a final audit has not been performed prior to the closeout of the grant, HUD shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(6) *Termination or suspension.* HUD may at any time terminate or suspend the grant in accordance with the, "Terms and Conditions Governing Grants for Comprehensive Planning Assistance" (Part IV of the Grant Document) which provides for such actions and the causes and procedures to be followed.

(m) *Revision in grant period.* The HUD Area Manager is authorized to approve requests for revisions in project periods. For any given grant only one time extension, not to exceed 120 days, shall be allowed.

(1) *Grantee justification.* Grantees must notify the HUD office administering the grant not less than sixty days prior to the end of the grant period. The notification must include the following information:

(i) The problems causing the slippage in the work schedule, and steps taken or contemplated to resolve the problems;

(ii) A status report which provides the following information for each uncompleted work element:

- (A) The work remaining.
- (B) The cost and staff requirements to complete the work element.

(iii) An assessment of the impact of the time extension and resultant workload on the grantee's ability to carry out activities in a timely manner under any other outstanding 701 grant awards.

(2) *HUD approval of extension requests.* Extension requests shall only be approved if:

(i) It is not feasible to reprogram activities into subsequent work programs;

(ii) The grantee can complete all activities within the extended project period;

(iii) The grantee's ability to complete activities in any other outstanding 701 work program is not adversely affected; and

(iv) Subsequent grant awards are reduced commensurate with the grantee's ability to use funds.

If the revision of the project period is approved, the new completion date will be placed on the approved budget, Form HUD 7026.3. A letter to the applicant approving the time extension and transmitting the new budget form will be prepared and signed by the Area

Manager. If the time extension is not approved, the grantee will be so notified by letter, by the Area Manager. In such an event, the grantee will also be advised that all outstanding work must be completed by the end of the project period or, as appropriate, reprogrammed into subsequent work programs.

(n) *Project records.* Project records shall be maintained in the manner prescribed by OMB Circular No. A-102, Attachment C, Retention and Custodial Requirements for Records.

§ 600.420 Program performance reporting.

The reporting of program performance shall comply with OMB Circular No. A-102, Attachment I, Monitoring and Reporting of Program Performance. A completion report shall also be prepared by each grantee and submitted to the HUD office administering the grant. The completion report shall include the following:

(a) *Evaluation of Objectives (Part I).* (1) This shall be a brief evaluation statement for each subcategory objective included in the overall program design, describing the extent to which activities proposed in the annual work plan were completed and their impact on the achievement of the objective.

(2) This part shall also include separately or by objective, as appropriate, grantee progress in:

(i) Fostering equal opportunity in employment, housing and participation in the benefits of Federally assisted programs, and

(ii) Involving and interacting with citizens, providing citizens access to the decision making process and improvement in communication techniques.

(b) *Statement of Outstanding Achievements (Part II).* This part consists of one page narrative statements of the one or two outstanding achievements resulting from the grantee's use of "701" which has occurred since the last report. Such statements should include the following, as appropriate:

(1) A brief description of the achievement

(2) Specific impacts, i.e., management improvements, improved operations, effectiveness, services, capability, etc.

(3) Estimated dollar savings per activity, project, etc.

(State or other agencies servicing local assistance and/or non-metropolitan recipients shall also include statements of the one or two outstanding achievements of such recipient groups in their submission).

(c) *Listing of Program Documents (Part III).* This part shall list all reports, maps, plans and other documents resulting from the 701 assisted portion of the program. This list shall identify the documents being transmitted and those previously transmitted.

(d) *Nonmetropolitan Area-wide Planning (Part IV).* List in the following format nonmetropolitan area-wide planning organizations receiving assistance:

Recipient Organization

Federal Grant Amount

(2) List by recipient, all reports, maps, plans and other documents resulting from assisted objectives and identify those being transmitted and previously transmitted.

(e) *Local Planning and Management Services (Part V).* (1) Identify 701 share of costs of advisory, informational and technical services provided by the grantee, other public agencies or consultants without cost to local, nonmetropolitan and/or metropolitan recipients.

(2) Identify the amount of subgrants (the use of 701 funds by or on behalf of a recipient who provides all or a portion of the non-Federal match or to support a recipient's staff regardless of who provides the non-Federal match) provided to recipients using the following format:

Recipient Organization

Federal Grant Amount

(3) List all reports, maps, plans and other documents resulting from assisted services, by recipient, (including general information documents available to all municipalities) and identify those being transmitted and previously transmitted.

(f) *Submission Requirements.* The Program Completion Report and project documents shall be transmitted to the HUD Office managing the grant within 90 days after the completion of the grant. The report should be submitted in accord with the following:

(1) Letter of transmittal

(2) Program Completion Report (original + 2)

(3) Reports, maps, plans, and other documents listed in the Annual Program Report (1 copy).

(i) That all maps and plans transmitted be folded to the size of the reports. On the outside top fold of each such map and plan indicate its title, the municipality or area covered, and the report or study to which it relates.

(ii) Unless instructed otherwise by HUD the grantee should not submit reports, plans, maps and other

documents in advance of submission of the Program Completion Report.

§ 600.425 Copies of 701-assisted reports.

(a) *Depository library system.* The depository library system is a process of distribution, deposit, and indexing of all 701-assisted reports for the purposes of reference and purchase by all interested parties. It was set up to insure a wide dissemination of information and to encourage maximum use of Federally-supported reports. Components of the depository system include documents and abstracts, both of which are on deposit for reference only. Personal copies must be obtained from the grantees or the National Technical Information Service. See paragraph (e) of this section for more information on abstracts.

(b) *Submission requirements.* Reports published under the "701" program (except the Annual Program Report), and any interim material which in the opinion of the grantee is of scholarly or public interest, must be deposited as follows:

(1) *For all grantees.* (i) One copy of each document and each abstract to the HUD Washington Library:

Librarian, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

(ii) One copy of each document and each abstract to the HUD Field Office managing the grant.

(iii) One copy of each document and each abstract to the HUD Regional Office having jurisdiction if different from the office in paragraph (b)(1)(ii) of this section.

(iv) Two copies of each document and each abstract to the Library of Congress:

Unit X Documents, Expediting Project, Library of Congress, Washington, D.C. 20540.

(v) One copy of each document to each of the twelve Planning Depository Libraries listed in Appendix 1.

(vi) One copy of each document to the State depository library for the State(s) in which the grantee is located, except when such State(s) are already served by a Planning Depository Library. The State depository libraries are listed in Appendix 2.

(2) *For cities and other municipalities (50,000 or less population) and countries.* Requirements (iv) through (vi) above apply only to the final comprehensive or summary planning report. To satisfy requirements (i) and (iii) above such grantees need submit only an abstract of the comprehensive or summary report.

(3) *For State, city (50,000 or more in population) suburban county and areawide grantees only.* These grantees must send one copy of each document to each planning school library within the HUD Region in which they are located, except, where doing so would duplicate a submission made according to paragraph (b)(1)(v) or (b)(1)(vi) of this section. These libraries are noted in Appendix 3.

(c) *Notation of 701 support.* A notation indicating the participation of the Federal government must be carried on all reports and maps produced as part of a HUD-assisted project, and on the annual program report. Other periodic administrative reports and those documents exclusively for internal use within the grantee are excluded from this requirement. The suggested wording of that notation is as follows:

The preparation of this report was financed in part through a Comprehensive Planning Assistance grant from the Department of Housing and Urban Development. (include project number).

(d) *Submission to National Technical Information Service—(1) The grantee.* Grantees are no longer required to submit copies of reports to the National Technical Information Service (NTIS). However, a grantee may file copies of reports considered to be of more than local or regional interest with NTIS. Submission requirements are noted below. Alternatively, the grantee should maintain sufficient copies to meet estimated demand.

(2) *Department of Commerce National Technical Information Service—(i) Purpose.* The Department of Commerce National Technical Information Service makes technical reports generated by all Federal agencies accessible in a uniformly indexed system. The NTIS has agreed to announce and disseminate all HUD-assisted publications provided that it can reproduce the report.

(ii) *NTIS submission requirements.* If a grantee wished to file reports with the NTIS, 10 copies of each document must be sent to the NTIS. The NTIS does not charge for this service. Reports must also meet NTIS reproduction specifications (see paragraph (d)(2)(iii) of this section). A NTIS Accession Notice must accompany each report submitted to the NTIS. The notice (Form NTIS-79) may be obtained directly from:

Input Section, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

(iii) *Reproduction specifications.* Generally reports to be submitted to NTIS should not exceed 8½ x 11 inches; however, NTIS can reproduce larger reports if they can be sectionalized in the reproduction process. NTIS cannot

copy foldout maps and is unable to reproduce color, but will, when possible, reproduce color plates in black and white. When reports do not meet the above specifications, copies should not be submitted to NTIS and NTIS should not be mentioned as a source of copies in the reports abstract. (See paragraph (e) of this section).

(iv) *Availability.* In general, publications will be announced in the semi-monthly "Government Reports Announcements and the Government Reports Index". Copies of publications in the NTIS are available to the general public for purchase in paper copy and microfiche. Literature searches are made in the NTIS search system.

(e) *Abstracts.* Any interim material which, in the opinion of the grantee is of scholarly or public interest, and every report published with HUD assistance must contain an abstract (Form NTIS 35) of the publication on the first page after the cover.

(1) *Content.* The abstract must first indicate innovative work and then briefly summarize the publication. New approaches, new methods, and unusual or particularly successful solutions of management or development problems must be emphasized in the abstract.

(2) *Form.* The abstract must 200 words or less, exact and unambiguous using the present tense and active voice, and comprehensible to the average citizen. Repetition of titles, project identification numbers, etc., should be avoided. If the abstract refers to previous reports or if the report is one of series, insert the exact citation if possible. (NTIS accession number).

(3) *Format.* The abstract must be prepared on the National Technical Information Service Bibliographic Data Sheet (BDS) (Form NTIS-35). Instructions for completing this form are printed on the reverse side of the form. Items 17a and 17c are optional and may be left blank. For Item 17b, provide descriptors, index terms or key words which represent the major concepts or applications. The linked set of descriptors serves as a condensed abstract and in many cases reveals more of the nature of the report than the abstract. If the report is not submitted to the NTIS or if the NTIS is unable to reproduce a report for public distribution, it must not be listed in Item 18 as a source of copies. (See paragraph (d)(2)(iii) of this section for NTIS reproduction specifications.) A supply of the BDS (Form NTIS-35) may be obtained directly from the NTIS. (See paragraph (d)(2)(ii) of this section for the mailing address.) Reproduction of the form is authorized.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d), section 701 of the Housing Act of 1954, as amended, 40 U.S.C. 461, et. seq.)

Issued at Washington, D.C., April 6, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

Appendix 1—Planning Depository Libraries

Harvard University, Frances Loeb Library,
Gund Hall, Cambridge, Massachusetts
02138.
Documents Collection, Perry-Castaneda
Library, University of Texas Library, PCL
2.403, Austin, Texas 78712.
Library, Urban and Regional Studies
Collection, Washington University, Box
1061, St. Louis, Missouri 63130.
Librarian, Urban Documents Library, Library
West, University of Florida, Gainesville,
Florida 32611.
Urban Policy and Planning Library, Michigan
State University Library, East Lansing,
Michigan 48824.
Documents Librarian, Auraria Libraries,
Laurence at 11th Street, Denver, Colorado
80204.
Architecture and Urban Planning Library,
1302 Architecture, University of California,
Los Angeles, California 90024.
Architecture and Planning Library, JO-30,
University of Washington, Seattle,
Washington 98105.
Documents Department, University of Illinois
at Chicago Circle, Box 8198, Chicago,
Illinois 60680.

Appendix 2—State Depository Libraries

1. Alabama—Library, Samford University, Birmingham, Alabama 35309.
2. Arizona—Government Documents Department, Main Library, University of Arizona, Tucson 85721.
3. Arkansas—Library, University of Arkansas, Fayetteville 72701.
4. California—Already served by the Urban Planning Depository Library at Los Angeles.
5. Colorado—Already served by the Urban Planning Depository Library at Denver, Colorado.
6. Connecticut—Public Documents Room, Library, Yale University, New Haven 06520.
7. Delaware—Documents and Maps Librarian, University of Delaware, Newark 19711.
8. D.C.—Already served by the HUD Depository Library.
9. Florida—Already served by University of Florida—Gainesville.
10. Georgia—Prince Gilbert Memorial Library, Georgia Institute of Technology, Atlanta, Georgia 30332.
11. Idaho—Library, University of Idaho, Moscow, Idaho 83843.
12. Illinois—Already served by the University of Illinois Library, Chicago.
13. Indiana—Library, Indiana University and Purdue University at Indianapolis 46202.
14. Iowa—Governments Documents Department, Library, University of Iowa, Iowa City 522402.
15. Kansas—Library, Kansas State University, Manhattan, Kansas 66506.
16. Kentucky—Government Publications Dept., Library, University of Kentucky, Lexington 40506.
17. Louisiana—Serials Section, Attention Mrs. Whittemore, Library, Tulane University of Louisiana, New Orleans, Louisiana 70118.

18. Maine—University of Maine, Orono, Maine 04473.
19. Maryland—John Hopkins, Baltimore 21218.
20. Massachusetts—Already served by Harvard University, Cambridge.
21. Michigan—Already served by Michigan State University, Lansing 48823.
22. Minnesota—Government at Publications Division—OD, 409 Wilson Library, University of Minnesota at Minneapolis 55455.
23. Mississippi—University of Mississippi, University, Mississippi 38677.
24. Missouri—Already served by Washington University, St. Louis.
25. Montana—Documents Librarian, University of Montana, Bozeman, Montana 59717.
26. Nebraska—Acquisitions Division, Library, University of Nebraska, Lincoln, Nebraska 68588.
27. Nevada—Government Publications Dept., Library, University of Nevada, Reno 89557.
28. New Hampshire—Documents Dept., Library, University of New Hampshire, Durham 03824.
29. New Jersey—Government Publications, Alexander Library, Rutgers University, New Brunswick 08903.
30. New Mexico—Documents Dept., Zimmerman Library, University of New Mexico, Albuquerque 87131.
31. New York—Avery Architectural Library, Columbia University, New York, New York 10027.
32. North Carolina—BA/SS Division—Documents, Wilson Library 024A, University of North Carolina, Chapel Hill 27515.
33. North Dakota—Documents Department, Library, North Dakota State University, Fargo, North Dakota 58102.
34. Ohio—Documents Division, Library, Ohio State University, Columbus 43210.
35. Oklahoma—Government Documents Collection, Library, University of Oklahoma, 401 West Brooks, Norman, Oklahoma 73019.
36. Oregon—Bureau of Governmental Research and Science, University of Oregon, Box 3177, Eugene, Oregon 97403.
37. Pennsylvania—Acquisitions Department, Library, University of Pennsylvania, 3420 Walnut Street Philadelphia, Pennsylvania 19106.
38. Puerto Rico—Documents Section, UPR Station, Library, University of Puerto Rico, Rio Piedras, Puerto Rico 00931.
39. Rhode Island—Community Planning and Area Development, University of Rhode Island, Kingston, Rhode Island 02881.
40. South Dakota—University of South Dakota, Vermillion, South Dakota 57069.
41. Tennessee—Documents Dept., Library, University of Tennessee, Knoxville 37916.
42. Texas—Already served by University of Texas, Austin 78712.
43. Utah—Library, University of Utah, Salt Lake City 84112.
44. Vermont—Library, University of Vermont, Burlington 05401.
45. Virginia—Fiske Kimball Fine Arts Library, Bayly Drive, University of Virginia, Charlottesville 22903.

46. Washington—Already served by University of Washington, Seattle.
47. West Virginia—Library, West Virginia University, Morgantown 26506.
48. Wisconsin—Documents Dept., Memorial Library, University of Wisconsin, Madison 53706.
49. Wyoming—COE Library-Documents Division, Box 3334, University Station, University of Wyoming, Laramie 82070.

Appendix 3.—Planning School Libraries

Region 1

- Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont
1. M.I.T. Libraries, Documents Section, Room 14E-210, HUD, Massachusetts Institute of Technology, Cambridge, Mass. 02139.
 2. Library, Community Planning and Area Development University of Rhode Island, Kingston, Rhode Island 02881.
 3. Library, Public Documents Room, Yale University, New Haven, Connecticut 06520.

Region 2

- New Jersey, New York, Puerto Rico and the Virgin Islands
1. Documents Section, Serials Department, Library, Cornell University, Ithaca, New York 14853.
 2. Library, Hunter College, New York, N.Y. 10021.
 3. Bobst Library, Documents Center-7th Floor, 70 Washington Square South, New York University, New York, N.Y. 10003.
 4. Library, Pratt Institute, Brooklyn, N.Y. 11205.
 5. Social Sciences Library, Bird Library, Waverly Avenue, Syracuse University, Syracuse, N.Y. 13210.
 6. Library, Serials Dept., Princeton University, Princeton, N.J. 08540.
 7. Alexander Library, Government Publication, Rutgers University, New Brunswick, New Jersey 08901.
 8. Documents Section, UPR Station, Library, University of Puerto Rico, Rio Piedras, Puerto Rico 00931.

Region 3

- Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia
1. Engineering and Architecture Library, Catholic University of America, Washington, D.C. 20064.
 2. Documents Section C-207, Pattee Library, Pennsylvania State University, University Park, Pennsylvania 16801.
 3. Library, Acquisition Division, Graduate School of Public and International Affairs, Forbes Quadrangle, 1st Floor West, University of Pittsburgh, Pennsylvania 15260.
 4. Fiske Kimball Fine Arts Library, Beyly Drive, Virginia Polytechnic Institute and State University, Blacksburg, Virginia 24061.
 5. Public Documents, Alderman Library, University of Virginia, Charlottesville, Va. 22903.

Region 4

- Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee
1. Documents Division, Florida State University Library, Tallahassee, Florida 32306.
 2. Tampa Bay Regional Planning Council Research and Information Library, 3151 Third Avenue North Suite 540, St. Petersburg, Florida 33713.
 3. Library, University of Mississippi, University, Mississippi 38677.
 4. BA/SS Division-Documents, Wilson Library 024A, Planning Library, Department of City and Regional Planning, Room 211, New East Hall, University of North Carolina, Chapel Hill, North Carolina 27515.
 5. Documents Librarian, the University of Tennessee Library, Knoxville, Tennessee 37916.
 6. Memphis State University, Memphis, Tennessee 38111.
 7. Government Publications Dept., Library, Serials Section, Attn: Mrs. Whittemore, University of Kentucky, Lexington, Kentucky 40506.

Region 5

- Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin
1. Acquisition Librarian, Library, Ball State University, Muncie, Indiana 47306.
 2. Bohn Housing and Planning Library, Case Western Reserve University, Cleveland, Ohio 44106.
 3. Documents Processing, University of Chicago Library, 1100 E 57th Street, Chicago, Illinois 60637.
 4. Central Library—Documents, University of Cincinnati, Cincinnati, Ohio 45221.
 5. The John Crerar Library, Illinois Institute of Technology, Chicago, Illinois 60616.
 6. Documents Division, University of Illinois, Library, Urbana, Illinois 61801.
 7. Documents Department, Library, Miami University, Oxford, Ohio 45056.
 8. Architecture Library, University of Michigan, Ann Arbor, Michigan 48109.
 9. Northwestern University Library, Documents Department, Evanston, Illinois 60201.
 10. The Ohio State University Libraries, 1858 Neil Avenue, Columbus, Ohio 43210, Attention: Documents.
 11. Head, Purdy Library, Wayne State University, Detroit, Michigan 48202.
 12. State and Urban Documents Collection, Government Publications Section, Memorial Library, Mankato State College, Mankato, Minn. 56001.
 13. Library, Documents Dept. Memorial Library, University of Wisconsin, Madison, Wisconsin 53706.

Region 6

- Arkansas, Louisiana, New Mexico, Oklahoma and Texas
1. Acquisitions Division, University Library, Texas A&M University, College Station, Texas 77843.
 2. Documents Division, University of Houston Libraries, Houston, Texas 77004.

3. Documents Division, University of Oklahoma Library, 401 West Brooks Street, Norman, Oklahoma 73069.

Region 7

Iowa, Kansas, Missouri, and Nebraska

1. Library, Government Documents Section, Iowa State University, Ames, Iowa 50011.

2. Government Documents Department, Library, University of Iowa, Iowa City, Iowa 52242.

Region 8

Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming

1. Documents Librarian, Montana State University Library, Bozeman, Montana 59715.

Region 9

Arizona, California, Guam, Hawaii and Nevada

1. Government Documents Department, Main Library, University of Arizona, Tucson, Arizona 85721.

2. Von Kleinsmid Library, University of Southern California, Los Angeles, California 90007.

3. Arizona State University, Tempe, Arizona 85281.

Region 10

Alaska, Idaho, Oregon and Washington

1. University of Oregon Library, Documents Section, Box 3177 Eugene, Oregon 97403.

2. Washington State Library, Olympia, Washington 98501.

BILLING CODE 4210-01-M

PROJECT INSPECTION FEE SCHEDULE

FEDERAL GRANT AMOUNT		PROJ. INPS. FEE	FEDERAL GRANT AMOUNT		PROJ. INPS. FEE
\$ 0	to \$ 4,999	\$ 200.00	\$ 375,000	to \$ 384,999	\$ 3,050.00
5,000	14,999	275.00	385,000	394,999	3,125.00
15,000	24,999	350.00	395,000	404,999	3,200.00
25,000	34,999	425.00	405,000	414,999	3,275.00
35,000	44,999	500.00	415,000	424,999	3,350.00
45,000	54,999	575.00	425,000	434,999	3,425.00
55,000	64,999	650.00	435,000	444,999	3,500.00
65,000	74,999	725.00	445,000	454,999	3,575.00
75,000	84,999	800.00	455,000	464,999	3,650.00
85,000	94,999	875.00	465,000	474,999	3,725.00
95,000	104,999	950.00	475,000	484,999	3,800.00
105,000	114,999	1,025.00	485,000	494,999	3,875.00
115,000	124,999	1,100.00	495,000	504,999	3,950.00
125,000	134,999	1,175.00	505,000	514,999	4,025.00
135,000	144,999	1,250.00	515,000	524,999	4,100.00
145,000	154,999	1,325.00	525,000	574,999	4,325.00
155,000	164,999	1,400.00	575,000	624,999	4,700.00
165,000	174,999	1,475.00	625,000	674,999	5,075.00
175,000	184,999	1,550.00	675,000	724,999	5,450.00
185,000	194,999	1,625.00	725,000	774,999	5,825.00
195,000	204,999	1,700.00	775,000	824,999	6,200.00
205,000	214,999	1,775.00	825,000	874,999	6,575.00
215,000	224,999	1,850.00	875,000	924,999	6,950.00
225,000	234,999	1,925.00	925,000	974,999	7,325.00
235,000	244,999	2,000.00	975,000	999,999	7,606.00
245,000	254,999	2,075.00	1,000,000	1,099,999	8,075.00
255,000	264,999	2,150.00	1,100,000	1,199,999	8,825.00
265,000	274,999	2,225.00	1,200,000	1,299,999	9,575.00
275,000	284,999	2,300.00	1,300,000	1,399,999	10,325.00
285,000	294,999	2,375.00	1,400,000	1,499,999	11,075.00
295,000	304,999	2,450.00	1,500,000	1,599,999	11,825.00
305,000	314,999	2,525.00	1,600,000	1,699,999	12,575.00
315,000	324,999	2,600.00	1,700,000	1,799,999	13,325.00
325,000	334,999	2,675.00	1,800,000	1,899,999	14,075.00
335,000	344,999	2,750.00	1,900,000	1,999,999	14,825.00
345,000	354,999	2,825.00	2,000,000 & up - 14,825.00 plus 750.00/100,000 or fraction thereof		
355,000	364,999	2,900.00			
365,000	374,999	2,975.00			

[Docket No. R-79045]

[FR Doc. 79-11741 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-C

Test Report Federal Register

Monday
April 16, 1979

Part VIII

Department of Housing and Urban Development

Office of Assistant Secretary for
Housing—Federal Housing Commissioner

Public Housing Program—Development
Phase

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR PART 841

Public Housing Program Development Phase

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Interim Rule.

SUMMARY: This rule amends the final rule for the Public Housing Program—Development Phase by making a number of clarifications and minor corrections.

EFFECTIVE DATE: May 16, 1979.

COMMENTS DUE: June 15, 1979.

ADDRESS: Interested persons should file written comments on or before due date with the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410

FOR FURTHER INFORMATION CONTACT: Jane M. Taliaferro, Chief, Program Development Branch, Public Housing Development Division, Office of Public Housing, Office of the Deputy Assistant Secretary for Public Housing and Indian Programs, Department of Housing and Urban Development, Washington, D.C. 20410 (202-755-5837). This is not a toll free number.

SUPPLEMENTARY INFORMATION: On January 31, 1977 (42 FR 5878) the Department published final regulations for the Public Housing Program—Development Phase. Although reinstitution of the program under this rule is still in the early stages of implementation, the Department has obtained the benefit of some experience and finds that there is a need for clarifying and correcting portions of the final rule. The Department has determined that a delay in effectiveness is impracticable, unnecessary, and contrary to the public interest since these amendments both clarify and relax existing requirements and are urgently needed for the Fiscal Year 1979 funding cycle. Accordingly, these amendments are being published as an interim rule effective May 16, 1979. However, interested persons are invited to participate in the making of the final rule by providing written comments as described above. All comments received by the due date will be considered in the

development of the final rule. Copies of comments received will be available for inspection and copying at the above stated address.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

A discussion of the amendments being published for effect follows:

(1) The second comment of the preamble to the final rule cited and quoted a phrase as having been inserted in § 841.103(a) which does not appear in that Section. This omission is being corrected.

(2) Section 841.110(b) is being amended and § 841.301(a) is being deleted to permit the PHA to request in its application, stating its reasons based on local needs, use of either the turnkey or the conventional methods of new construction, unless the Field Office determines the production method to be used. The Field Office's determination would be based on its consideration of various factors, including total development cost, availability of developers, availability of construction financing and the Field Office's determination of the PHA's capacity to administer the turnkey or conventional method from Program Reservation to completion.

The Department has reviewed its position with respect to the turnkey and conventional methods of new construction and has determined that a PHA should be afforded the opportunity to present reasons other than cost in justifying a request to the Field Office to approve use of the conventional or the turnkey method. These reasons could include such elements as scarcity of available sites, the need for greater control over project design and construction, the desire for use of local contractors, or the availability of financing. Rather than broadening the specified conditions under which the conventional method may be approved, these changes in the regulations permit the Field Office to approve use of either method based on the PHA justification, except where the Field Office establishes the method to be used. However, if either method would add to total development cost per unit or reduce the amenities or quality of the product, then the selection of that method must be fully justified as otherwise in the best interests of the

Government and the objectives of the program.

It should also be noted that a "modified turnkey method" is being proposed under the Indian housing program at 24 CFR Part 805 and will also be considered by the Department for implementation as another optional development method under the public housing program. Under the modified form of turnkey, a PHA would advertise for turnkey developers to submit proposals quoting a firm price to build housing in accordance with detailed drawings and specifications prepared by the PHA with respect to a preselected site or sites approved by HUD. All this information would be included in the Developer's Packet. Before publishing the invitation, the estimates of maximum cost (Total Development Cost (TDC) and Dwelling Construction and Equipment (DC&E Cost) as well as the maximum construction contract price would be approved by HUD as reasonable and within applicable limitations, and the DC&E and maximum construction contract price would be included in the Developer's Packet. Each developer would be required to quote a firm price and obtain his own financing. The developer would not be required by the PHA or HUD to post a bond for performance or payment. Under this method the Preliminary Contract of Sale would be eliminated and, upon selection and approval of the developer, the final Contract of Sale would be executed. PHAs and others interested are invited to provide comments on the concept of the "modified turnkey method" with respect to its potential applicability to this part.

(3) Section 841.115(c)(2) is being amended to clarify the intent that the estimate of operating expenses, which is derived from an annual average of costs over the first three years of operation, is to be a realistic projection which considers the possibility of an increasing need for maintenance in the second and third years and is to be based upon the current rates of expenses, without regard to inflation, for the particular PHA and upon HUD standards of operation.

(4) Section 841.115(c)(3) is being amended to clarify that for acquisition projects which are occupied, § 860.203 shall be applicable in lieu of § 841.115(c)(3)(i) and (ii).

(5) Sections 841.115(c)(7) and 841.115(c)(8) are being deleted in their entirety since conformance to these requirements would be possible only if each project were placed in a separate Annual Contributions Contract (ACC). In this way separate cost and income

records would have to be maintained to establish the portion of the PHA's request for operating subsidy attributable to the project and to determine whether it substantially exceeded the projected need in the PHA's approved Development Program for that project. The Department has determined that it would be counter-productive to require that a PHA forego any savings in administrative cost which may be achieved under a consolidated ACC through the consolidation of books of account and operating expense records. Section 841.115(c)(6) requires that the PHA be committed to achieve the economic and social cross sections of tenants in project occupancy stated in the approved Development Program and the Department will review PHA performance to assure continued adherence to this requirement.

(6) Section 841.402(a) is being revised to state clearly that to qualify for acquisition, the initial construction of properties must have commenced prior to issuance of the applicable NOHAA. Section 841.402(a) is also revised to permit approval of the acquisition of structures which are assisted under the Act (e.g. Section 23 or Section 8) upon approval by the Assistant Secretary for Housing. Projects assisted under the Act were excluded in the original rule to preclude the possibility of a double subsidy or the shifting of projects from one program to the other under the Act which would not add to the supply of low-income housing. This remains our objective, however, the Department has concluded that where a case for an exception can be made by the PHA with Field Office concurrence, the Assistant Secretary should have the discretion to approve acquisition where all other requirements of this part will be met.

(7) Section 841.404 is being revised to permit an alternative acquisition procedure to facilitate the acquisition, as it become available on the open market, of single family, duplex or similar housing. The Department has determined that the normal procedure, which requires Final Site Approval and approval of a Development Program containing property specific information prior to execution of an ACC, is cumbersome for a PHA proposing to acquire many single family, duplex or similar properties because diversity of ownership and the availability of alternative buyers for attractive properties makes it difficult to secure and hold options on such housing for the time period necessary to process the entire project through ACC execution. The revised section, therefore, permits

an alternate procedure where, subject to certain conditions, property specific approvals occur after, rather than as a prerequisite to, ACC execution. These actions however, must occur prior to HUD authorization to acquire the properties.

Accordingly, 24 CFR Part 841 is hereby amended as follows:

1. Section 841.103(a) is revised to read as follows:

§ 841.103 Types of projects.

(a) Determination of type of project. Assistance under this Part shall be coordinated with assistance under other programs subject to Section 213 of the HCD Act of 1974 to meet the needs of household types whose needs are not being met proportionately to their share of total housing needs in the jurisdiction of the PHA as shown by the approved HAP or HAPs applicable to the jurisdiction, or as determined by HUD in the absence of such HAPs. In determining the extent to which the needs of any household type are being met, units proposed or not yet completed shall be counted only if there is a commitment or reservation of funds or contract authority for the provision of Federal or other assistance.

2. Section 841.110(b) is revised to read as follows:

§ 841.110 Application submission.

(b) *Application.* (1) To apply for a Program reservation, a PHA shall submit an Application (on the form prescribed by HUD), which shall identify the number and types of units, the site or location insofar as it has been determined and its relationship to HAPs and site requirements; show that the household types for whose needs the project will be developed will be in accordance with § 841.103(a); furnish a statement that the project will be developed in accordance with § 841.103 with any justification required thereunder; and state whether new construction, acquisition with substantial rehabilitation or acquisition of existing housing is proposed. (2) In applying for acquisition projects, see § 841.405. (3) For new construction projects, unless the Field Office has determined the production method to be used, the Application shall request use of either the turnkey or the conventional method with a statement of the reasons based on local needs. Force account cannot be used for new construction projects. To be considered by PHAs in their requests for production method and by Field Offices in establishing any

production method are such factors as total development cost, availability of sites, availability of developers, availability of construction financing, depth of control over project design and construction, size of project, local emphasis on use of local contractors and PHA ability to administer the turnkey or conventional method from Program Reservation to completion. However, if either method would add to total development cost per unit or reduce the amenities or quality of the product, then its selection must be fully justified as otherwise in the best interests of the Government and the objectives of the program. (4) If the Application identifies a site or sites, the Chief Executive Officer of the unit of general local government in which the proposed housing is to be located should have been requested pursuant to Section 213 of the HCD Act by the PHA to provide a letter stating his finding as to consistency with the locality's approved HAP, or in the absence of a HAP as to whether there is or will be available in the area public facilities and services adequate to serve the proposed project. Where such letter has been provided, it shall be attached to the PHA's application. (5) The Application shall also be accompanied by an executed Cooperation Agreement. If a Cooperation Agreement already exists for the location sufficient to cover the number of units in the Application, a statement to this effect may be included in the Application.

3. Sections 841.115(c)(2) and 841.115(c)(3) are revised to read as follows:

§ 841.115 Development Program.

(c) *Financial Feasibility test and operating subsidies.* * * *

(2) The estimate of operating expenses shall be the annual average of a realistic projection for the first three years of operation based upon the current rates, without regard to inflation, of expenses for the particular PHA and HUD standards for operation, including, as required by section 6(c)(4) of the Act,

- (i) * * *
- (ii) * * *

(3) The estimate of operating income for new construction projects and unoccupied acquisition projects (for occupied acquisition projects, § 860.203 shall be applicable) shall be the projected income for the first fiscal year of operation without use of operating subsidy based upon 95 percent occupancy by a tenant body selected in accordance with regulations (based on

sections 3 and 6(c)(4) of the Act and 24 CFR Part 860) which are designed to achieve:

* * * * *

§ 845.115 [Amended]

4. Sections 841.115(c)(7) and 841.115(c)(8) are hereby deleted in their entirety.

Subpart C—Conventional Method—New Construction

5. Section 841.301 is revised to read as follows:

§ 841.301 Description.

Under the conventional method, the PHA contracts with an architect to prepare plans and specifications for a proposed project on a site owned by the PHA. Following HUD approval of the plans and specifications, the PHA advertises for bids from contractors to build the project and awards the Construction Contract to the lowest responsible bidder, subject to HUD approval. The contractor provides assurance in the form of 100 percent performance and payment bonds, or other security approved by HUD, such as a letter of credit or escrow. The contractor receives progress payments from the PHA during construction and a final payment upon completion in accordance with the Construction Contract.

6. Section 841.402(a) is revised to read as follows:

§ 841.402 Property selection.

(a) *Types of Property.* (1) Structures of various types may be appropriate for use in an acquisition project, including non-housing structures which may be converted to housing use. (2) Initial construction of the property or properties qualifying for acquisition under this subpart must have commenced prior to issuance of the applicable NOHAA. (3) Properties which are eligible for selection include privately owned properties, those owned by HUD, VA, a PHA, or city, county or state government, as well as properties with HUD-held or HUD-insured mortgages. (4) Properties assisted under other programs pursuant to the Act may be eligible for selection upon the prior written approval of the Assistant Secretary for Housing: *Provided, however,* That assistance under any such program shall be terminated prior to or simultaneously with commencement of assistance under this part.

* * * * *

7. Section 841.404 is revised to read as follows:

§ 841.404 Acquisition procedure.

(a) The property to be acquired shall meet the criteria set forth in §§ 841.402 and 841.403. The PHA shall request site approval in accordance with 841.114. Following final site approval and approval of the property, the PHA shall prepare and submit a Development Program (which shall include the cost of work) in accordance with 841.115. Upon approval, the Field Office shall prepare and process the documents required for execution of the ACC. The Field Office shall arrange the closing at which the purchase of the property shall be accomplished.

(b) For single family, duplex or similar type housing the PHA may request a variation from the procedural sequence stated in § 841.404(a) to permit submission and approval of a modified Development Program and execution of an ACC prior to specific property selection. The Field Office may approve the request if the diversity of ownership of the properties expected to be included in the project makes it difficult to obtain options for the length of time necessary to process the entire project to the ACC stage. Where requested and approved, the procedural sequence shall be as follows:

(1) The PHA shall submit prior to site selection a Development Program which, in lieu of the property-specific site documentation (§ 841.115(a)(1)), work write-ups (§ 841.115(a)(2)) and cost estimates comprising the Estimate of Total Development Cost (§ 841.115(a)(3)), shall: (i) Identify the neighborhoods and general location(s) of properties to be acquired, contain a plan for acquisition of the properties within a one-year period accompanied by a time schedule of development through project completion, including evidence that there are appropriate units in the stated location(s) which may reasonably be expected to be available for acquisition by the PHA and describe the units by building types and bedroom sizes, ownership and occupancy, and condition of and work required on typical units in each of the specified neighborhoods for which acquisition is proposed. The cost data in the Development Program shall be the anticipated costs of acquisition, rehabilitation and related costs based upon estimated costs for typical properties in the specified neighborhoods.

(2) Section 213 and, where applicable, A-95 clearance, if not accomplished by the PHA prior to submission of its Development Program, shall be initiated by the Field Office at the time of Development Program submission.

(3) HUD review of the Development Program shall include the determination that there are sufficient properties in the general location(s) which the PHA may reasonably anticipate can be acquired to assure the project can be successfully and expeditiously developed, that the neighborhoods identified are consistent with the requirements of the site related criteria (criteria numbers 2, 3, and 5) of the Project Selection Criteria (24 CFR Part 200, Subpart N), and that the PHA's cost estimates are reasonable.

(4) The ACC shall be executed following approval of the Development Program. Additional provisions shall be added (i) requiring that all funds requisitioned shall be supported by evidence satisfactory to HUD that final Site Approval and Work Write-ups have been approved for the units for which funds are requisitioned, (ii) that the development cost of such units is consistent with that stated in the original or an amended Development Program, and (iii) that at the end of one year the ACC shall be amended to reduce the number of units and Total Development Cost to the amount as determined by HUD to be required for the total number of units approved for acquisition as of that date, unless the time for such acquisition is extended in writing by HUD.

(5) The PHA shall select individual properties in accordance with the regulations and related HUD procedures and within the scope of its approved Development Program but shall not acquire a property or make a commitment for acquisition until receiving HUD approval for acquisition of each individual property. HUD shall not approve PHA acquisition or commitment for acquisition of a property until it has granted Final Site Approval, approval of any required work write-ups and approval of the cost estimates of work to be performed, including a determination that the cost of development of each property is consistent with the estimates in the approved Development Program.

(6) The PHA may proceed with the HUD-approved method of accomplishing repair or rehabilitation after acquiring the property.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); U.S. Housing Act of 1937 (42 U.S.C. 1437)

Issued at Washington, D.C., March 13, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-634]

[FR Doc. 79-11737 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M

Test Report

Monday
April 16, 1979

Part IX

Department of Housing and Urban Development

Office of Assistant Secretary for
Community Planning and Development

Community Development Block Grants;
A-95 Clearinghouse Review and
Comment

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

Community Development Block Grants; A-95 Clearinghouse Review and Comment

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: The Department proposes to change the requirements for compliance with OMB Circular No. A-95 by applicants for entitlement grants and small cities grants to conform to standard OMB procedures and to achieve consistency among HUD programs and among HUD, Economic Development Administration (EDA) and other Federal programs. Changes, which would not be effective until Federal Fiscal Year 1980, relate to the timing of the notice of intent to file and who is responsible for filing, the review time for the clearinghouses, and the disposition by applicants of clearinghouse comments.

COMMENT DUE DATE: June 15, 1979.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Each comment should include the commenter's name and address, and must refer to the docket number indicated in the heading of this document. Copies of all written comments received will be available for copying and inspection in the Office of the Rules Docket Clerk at the above address. The proposal may be changed in the light of the comments received.

FOR FURTHER INFORMATION CONTACT: Pris Peake, Entitlement Cities Division, or Richard Kennedy, Small Cities Division, Office of Block Grant Assistance, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-6300. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Part I of OMB Circular No. A-95 requires an applicant for Federal assistance to notify the appropriate State and areawide clearinghouses of its intent to apply for assistance. The clearinghouses have 30 days after receipt of project notification in which to inform governments and organizations that may be affected by the proposed project for

consultation and comment purposes. Part I also requires an applicant to submit a completed application to the clearinghouses which have another 30 days to submit any comments to the applicant on the application itself. Therefore, the standard OMB procedures provide for a minimum 60-day notification and application review period.

Entitlement Grants

The current rule on Entitlement Grants (24 CFR Part 570, Subpart D) modifies the standard OMB procedures by providing for: (1) HUD notification of the clearinghouses as to those communities entitled to receive grants at least 60 days before the completed application is due to HUD, unless the applicant plans to file before February 1; and (2) a 45-day review by the clearinghouses of the completed application. Therefore, the current rule provides for a minimum 60-day notification and application review period, prior to HUD processing, of which 15 days are for notification and 45 days are for application review. This modification has provided the clearinghouses with a longer application review period which was originally needed because of the newness and complexity of the Community Development Block Grant (CDBG) Program. In addition, HUD was able to satisfy the A-95 requirement for applicants to notify the clearinghouses of intent to file because HUD knew which communities would be participating under Subpart D.

To conform to standard OMB procedures and make A-95 requirements as consistent as possible among HUD programs and among HUD, EDA and other Federal programs HUD proposes to require the applicant for an entitlement grant to notify the appropriate State and areawide clearinghouses of its intent to apply at least 60 days prior to the date by which the applicant must submit the completed application to HUD. This change would not be effective until Federal Fiscal Year 1980.

In addition, HUD proposes to require the applicant for an entitlement grant to provide the clearinghouses with 30 days to review the completed application before submitting the application to HUD. However, because major changes have been made in the application requirements for entitlement grants, primarily the submission of three-year Community Development and Housing Plans that will affect all Fiscal Year 1979 applications, this would not be effective until Federal Fiscal Year 1980.

Small Cities Program

The current rule on the Small Cities Program (24 CFR Part 570, Subpart F) modifies the standard OMB procedures by requiring that: (1) The applicant submit the preapplication to the clearinghouses prior to or concurrent with submission to HUD as notification of intent to file, and the clearinghouses have 30 days to review the preapplication and submit comments to both the applicant and HUD; and (2) the applicant submit the full application to the clearinghouses prior to or concurrent with submission to HUD, and the clearinghouses have 45 days to review the full application and submit comments to both the applicant and HUD. HUD takes no final action on either the preapplication or the full application until comments have been received or until 30 days or 45 days after the preapplication or full application, respectively, has been sent to the clearinghouses.

To conform to standard OMB procedures and make A-95 requirements as consistent as possible among HUD programs and among HUD, EDA and other Federal programs, HUD proposes to require the applicant for a small cities grant to provide the clearinghouses with 30 days to review the full application before submitting the application to HUD. This would eliminate the present practice of concurrent review of the full application by the clearinghouses and HUD. However, because the time frame for processing Federal Fiscal Year 1979 applications is tight and concurrent review of full applications is necessary to commit funds by the end of the fiscal year, this change would not be effective until Federal Fiscal Year 1980. HUD proposes no change at this time in the review of preapplications.

Applicant Handling of Clearinghouse Comments

In addition, the current rule on Entitlement Grants requires the applicant to attach clearinghouse comments to the completed application when submitted to HUD and to explain the reasons for any inconsistencies noted by the clearinghouses with areawide plans. To assure careful consideration of clearinghouse comments by the applicant, HUD proposes to require that if the clearinghouses find any inconsistency with State, areawide, or local plans, noncompliance with environmental laws or failure to provide equal opportunity, the applicant for an entitlement grant must state how it intends to resolve the

problem or state the justification for proceeding despite the findings. Furthermore, minor editorial changes would be made to the current rule on the Small Cities Program to achieve consistent language with Subpart D with respect to the disposition of clearinghouse comments. These changes would not be effective until Federal Fiscal Year 1980.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to amend Part 570 by:

1. Revising § 570.310, A-95 clearinghouse review and comment, of Subpart D, Entitlement Grants, as follows:

§ 570.310 A-95 clearinghouse review and comment.

Applicants must comply with the procedures set forth in Part I of OMB Circular No. A-95. In addition to rules governing applications, these procedures also require that program amendments submitted to HUD in accordance with § 570.312 shall be submitted to appropriate clearinghouses for a 30-day review and comment period.

(a) *Clearinghouse notification.* Each fiscal year an applicant shall notify the appropriate State and areawide clearinghouses of its intent to apply for Federal assistance at least 60 calendar days prior to the date by which the applicant must submit the completed application to HUD. The applicant is urged to contact the clearinghouses for forms and instructions that the clearinghouses have developed to facilitate their reviews.

(b) *Clearinghouse review of application.* (1) Unless the requirement is waived by the clearinghouses, the applicant shall provide the clearinghouses a period of 30 calendar days to review the completed application and transmit to the applicant any comments or recommendations.

(2) Clearinghouses will be of assistance to both the applicant and HUD if their reviews address the application approval criteria contained in § 570.311(c), as well as the "subject matter of comments and recommendations" in Part I, Attachment A of OMB Circular No. A-95, item 5. Emphasis should be placed on consistency among State, areawide, and local plans, compliance with

environmental laws, and the provision of equal opportunity.

(c) *Applicant actions after clearinghouse review.* The applicant shall transmit all comments with the application to HUD. In instances where no comments are received, the applicant shall include a statement indicating the date that the State and areawide clearinghouses were notified and no comments were received by the end of the 30-day review period. If the A-95 review comments contain any findings of inconsistency with State, areawide, or local plans, significant adverse urban impacts, noncompliance with environmental laws or failure to provide equal opportunity, the applicant must state how it proposes to resolve the finding or state its justification for proposing to proceed with the project despite the findings developed through the A-95 review process.

(d) *Application modification during clearinghouse or HUD review.* An applicant which revises its application while it is under review by a clearinghouse or by HUD shall inform the clearinghouses of the revisions and, if the application has been submitted to HUD, the number of days remaining within the 75-day review period described in § 570.311(d) for HUD to complete its review of the application.

2. Revising § 570.435, Modified OMB Circular No. A-95 procedures for the small cities program, of Subpart F, Small Cities Program, as follows:

§ 570.435 Modified OMB Circular No. A-95 procedures for the Small Cities Program.

(c) *A-95 Procedures for Full Applications.* (1) Applications shall be submitted to the appropriate State and areawide clearinghouses prior to submission to HUD. Unless the requirement is waived by the clearinghouses, the applicant shall provide the clearinghouses a period of 30 calendar days to review the full application and transmit to the applicant any comments or recommendations. The applicant shall transmit all comments with the application to HUD. In instances where no comments are received, the applicant shall include a statement indicating the date that the clearinghouses were notified and no comments were received by the end of the 30-day review period.

(2) If the A-95 review comments contain any findings of inconsistency with State, areawide, or local plans, significant adverse urban impacts, noncompliance with environmental laws, or failure to provide equal opportunity, the applicant must state

how it proposes to resolve the findings or state its justification for proposing to proceed with the project despite the findings developed through the A-95 review process.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 6, 1979.

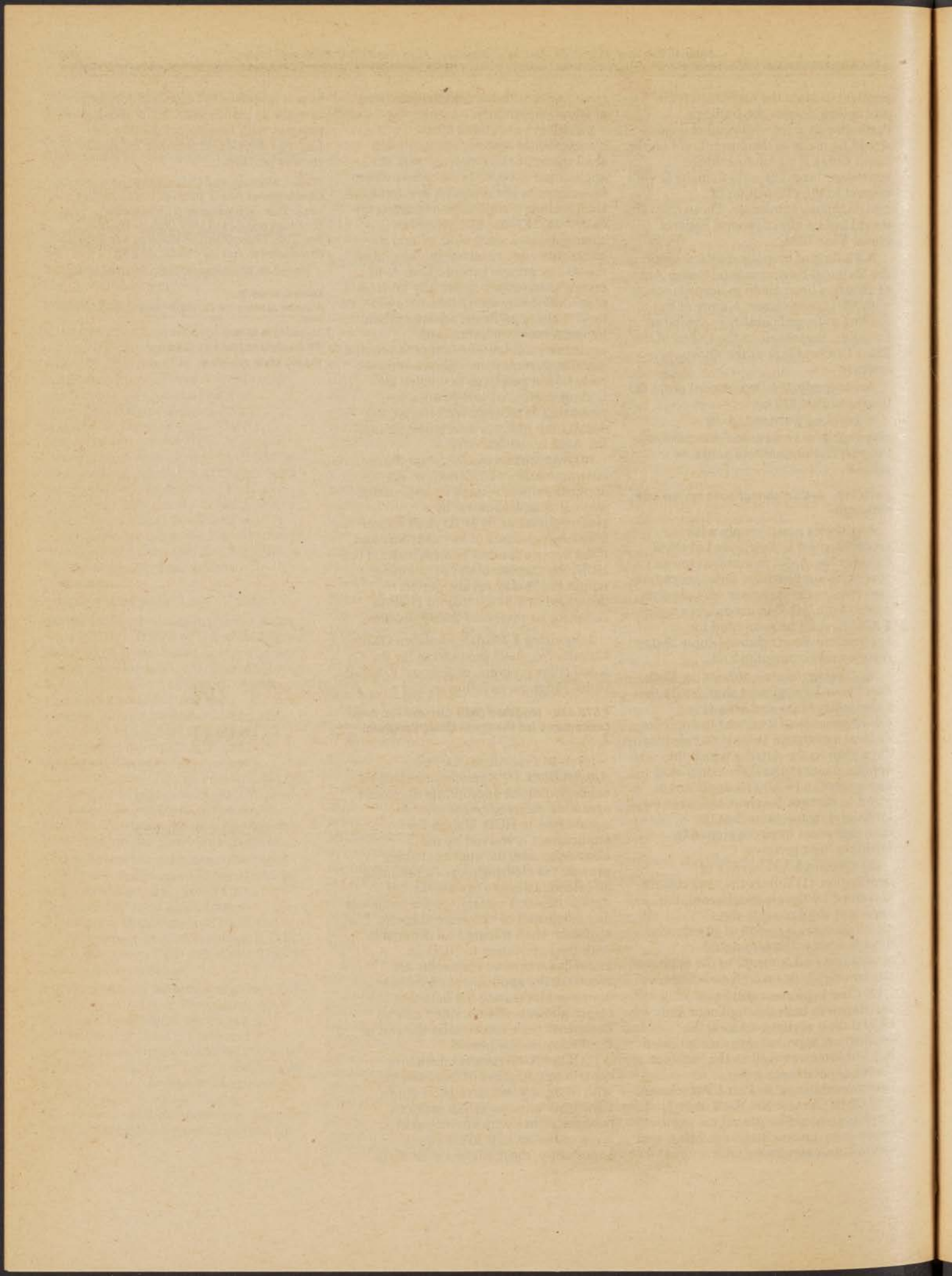
Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[Docket No. R-79-643]

[FR Doc. 79-11742 Filed 4-13-79; 8:45 am]

BILLING CODE 4210-01-M



United States Federal Register

**Monday
April 16, 1979**

Part X

Department of Transportation

Coast Guard

Navigation Safety; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 164]

Navigation Safety Regulations

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: "Navigation Safety Regulations" were published as a final rule. One section of that rule prescribed certain requirements for navigating a vessel in "confined or congested waters". The preamble to the rule explained that a list of areas to be designated as "confined or congested" was under development and would be published as a notice of proposed rulemaking upon completion. The preamble also stated that the requirements would not be enforced until the list of "confined or congested waters" was published as a final rule. This proposal contains that list.

DATES: Written comments must be received on or before June 1, 1979.

ADDRESSES: Comments should be submitted to the Commandant (G-CMC/81), (CGD 77-196), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, Washington, D.C. 20590, 202-426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments. Written comments should include the docket number (CGD 77-196), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. All comments received will be considered before final action is taken on this proposal. No hearings are contemplated, but one or more may be held at times and places set out in a later notice in the *Federal Register*, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

Drafting Information

The principal persons involved in drafting this proposal are Chris Llana,

Project Manager, Office of Marine Environment and Systems, and Michael Mervin, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

"Navigation Safety Regulations" (33 CFR Part 164) were published in the *Federal Register* as a final rule on January 31, 1977 (42 FR 5956). They require, among other things, that certain precautions be taken when navigating in "confined or congested waters". The preamble to that rule reads in part:

Section 164.15 *Navigation underway: confined or congested waters* and Section 164.16 *List of confined or congested waters*. These are special rules for the hazards of navigation in confined or congested waters. The substantive rules in § 164.15 are promulgated in this final rule as discussed in this preamble. The practical application of § 164.15, however, will not occur until specific geographic areas in which they would apply are included under § 164.16. The definition of "confined or congested waters," as requested by nine commenters, would be implicit in the naming of those waters. Those waters would be particularly hazardous because of restricted maneuvering room or a high volume of vessel traffic. The Coast Guard will conduct separate rulemaking actions for the listing of specific waters under § 164.16.

A prudent mariner, when navigating with limited maneuvering room or in dense traffic, routinely takes the extra precautions listed in § 164.15. Therefore, the regulations impose no additional burden on the vast majority of mariners. It is those few who are less than prudent who will feel the impact of the rules.

For regulatory purposes, it is necessary to determine very clearly the especially hazardous areas in which the requirements of § 164.15 apply. The development of § 164.16, list of confined or congested waters, was begun in March of 1977. Each Coast Guard District Commander was directed to submit to the Commandant a list of waters in his district that he proposes for inclusion into the category of "confined or congested," especially hazardous areas. Factors to be considered included: "density of vessel traffic; dimensions and configuration of channels; hazards to navigation; presence of structures; location of anchorages; excessive currents; and any other hazard which requires increased precaution to ensure safe navigation of vessels in the area." Only those waters which fell clearly within this category were to be listed.

The district commanders were further directed to consult the local public to the maximum possible extent, considering time constraints. Although

this is not required at the conceptual stage of regulation development, it was felt that a better proposal would result from a more broadly-based sampling of viewpoints than was possible within the Coast Guard. This was accomplished in varying ways in the various districts, but the resulting recommendation reflected a wide range of interests and a good depth of local knowledge.

The lists submitted by the district commanders were reviewed at Coast Guard Headquarters to standardize format and "philosophy" and to ensure that only those areas be included which could be amply justified. A consolidated listing was prepared and again returned to the district commanders for their review. This notice of proposed rulemaking, accordingly, contain only areas which have survived a multi-step review process and represents the best thinking of a large number of very knowledgeable contributors.

The proposed list is arranged by Coast Guard District. The geographic order is from north to south on the Atlantic coast and south to north on the Pacific, followed by Hawaii and Alaska. The following is a descriptive list of the waters proposed for determination as "confined or congested," especially hazardous areas, with the reasons for each proposal.

First Coast Guard District

Penobscot Bay, Maine, has restricted maneuvering room for larger vessels due to many small islands, shoals, ledges and narrow channels. Approximately 50 large commercial vessels transit the area each month, plus numerous fishing vessels, lobster boats, private craft and a ferry service.

The waters of Casco Bay and the Kennebec River contain many small islands, rock ledges and narrow channels. An average of about 80 tankers and cargo vessels arrive at Portland each month and the Bath Iron Works shipyard attracts some large vessels. The many fishing and lobster boats, small passenger vessels and pleasure craft create a high traffic volume in an area with restricted maneuvering ability.

Portsmouth, N.H., harbor and the Piscataqua River have restricted maneuvering room and the river has currents of up to five knots. Approximately 20 large commercial vessels, including LNG tankers, oil tankers, general cargo vessels, and numerous small passenger vessels, fishing vessels, lobster boats and pleasure craft, use the port each month.

The waters of Massachusetts Bay leading to the ports of Gloucester, Salem

and Boston comprise a major shipping route with narrow channels and numerous natural obstructions. The mix of traffic is diverse, ranging from fishing vessels and pleasure craft through large LNG and petroleum tankers. The port of Boston alone handled over 26 million tons of cargo and 725,000 passengers in F.Y. 1976.

Navigation of the Cape Cod Canal, Massachusetts, is restricted by the channel width (145 m.) and bends, strong tidal currents and frequently poor visibility. The canal is a main route for coasting vessels and handled 51,189 transits in calendar year 1976, 30,092 of which were commercial vessels. Buzzards Bay is a convergence area for canal traffic. Moreover, it handles heavy local traffic including fishing vessels from New Bedford and Fairhaven and, in season, many recreational vessels.

Lower Narragansett Bay has many anchorages, moderate commercial and some Navy and Coast Guard traffic. Numerous recreational vessels complicate the maneuvering problem in season. Channels in Mt. Hope and Upper Narragansett Bays are narrow (120-180 m.) and have limited controlling depths (Mt. Hope: 8-10 m.; Upper Narragansett: 10 m.).

Third Coast Guard District

Eastern Long Island Sound is a heavily traveled waterway with strong currents and shoals. The Thames River is a relatively narrow, (60-90 m. channel), twisting waterway with rocky shoals along the channel. A large smallboat population shares the river with petroleum and bulk dangerous cargo vessels and with relatively unmaneuverable submarines proceeding to and from the naval base at Groton. The Connecticut River has narrow (45 m.), winding channels with shifting shoals. Strong currents, changing bottom configuration and frequently reduced visibility make navigation difficult.

New Haven and Bridgeport Harbors share similar problems. The relatively high volume of commercial traffic competes for space with many small craft. Narrow channels (21 m. minimum), strong currents, bridges and often reduced visibility complicate safe navigation.

Port Jefferson handled 14 tankers and 115 barges carrying petroleum products during the third quarter of 1977. The narrow (90 m.) channel and heavy small boat traffic in season makes maneuvering difficult.

New York Harbor and its environs are among the most heavily traveled waterways in the country with over 1000 vessel movements daily. Furthermore,

many of the channels are quite narrow (90 m.) and twisting with blind corners and bends. Traffic is composed of every sort of waterborne craft from rowboats to the largest bulk and container ships, many carrying hazardous cargos.

The upper Hudson River, although not heavily traveled, is very narrow (60 m. minimum channel width) with several severe, blind bends. Vessels must be under positive control throughout the length.

The Delaware River and Bay, and the Schuylkill River are all areas used by very large vessels. Also many harbor craft use these channels as do recreational vessels during the summer particularly. The waterway is very narrow (60 m. minimum), twisting and subject to shifting currents and bars. The narrowness and complexity of the transit that large vessels must make require that they be under positive and effective control.

Fifth Coast Guard District

The waters of the Chesapeake Bay north of Thomas Point Light contain numerous restrictions to navigation. Common to this whole area is a large volume of vessel traffic and channel limitations. Large vessels negotiating the approach to the Chesapeake Bay Bridges are restricted by controlling depths of about 15 meters and must also remain clear of vessels entering or leaving the Severn River and the numerous vessels at anchor, as well as the bridges themselves. Baltimore Harbor is a large loading, discharge, and transshipment port, having vessels of all sizes and types in all conditions of load transiting or standing at anchor throughout. Deep draft vessels are especially constrained in Baltimore Harbor and in the Chesapeake and Delaware Canal by narrow dredged channels.

The waters of Chesapeake Bay east of Windmill Point, Virginia, are relatively shallow compared to the project depth for the Chesapeake Bay channels. Several isolated, unmarked, submerged obstructions are also located in this area. Deep-draft vessels passing through the area are restricted to the relatively narrow Rappahannock Shoal Channel.

The waters of lower Chesapeake Bay in the vicinity of the Chesapeake Bay Bridge Tunnel are currently designated as a regulated navigation area for the purpose of protecting the Chesapeake Bay Bridge Tunnel from accidental damage from vessels losing control and colliding with it, or otherwise causing damage to it, or obstructing the navigability of the tunnel openings.

The York River, Virginia, constitutes a unique port area. Common to this area is a large volume of naval vessel traffic and frequent tank barge and crude oil tankship traffic. In addition to maneuvering in relation to each other, much of this vessel traffic must negotiate passage through the Coleman Memorial Swing Bridge.

The Hampton Roads, Virginia, port complex is used for loading, discharge, and transshipment, and has vessels of all sizes and types in all conditions of load transiting or standing at anchor throughout. The port complex contains channel restrictions to deep draft vessels, a large volume of ship traffic, and a complex pattern of vessel movements. The Elizabeth River is a heavily trafficked industrial waterway with substantial reductions in width (minimum 45 m.) occurring at frequent intervals due to the requirements of the facilities along shorelines. There also exists a complex traffic pattern at the junction of the river with its two branches.

Morehead City Harbor, North Carolina, is characterized by controlling depths of about 9 meters, varying narrow channel widths (60 m. minimum), shoaling, critical turns, and strong tidal currents.

The waters of the Cape Fear River and Beaufort Inlet, North Carolina, are characterized by controlling depths of about 11.5 meters, numerous turns, shoaling, and varying channel widths (120 m. minimum). In addition, the swift current of the Cape Fear River poses an additional challenge to the mariner. Successful transit of these waters requires competent and cautious navigation to avoid collision or grounding.

Seventh Coast Guard District

Winyah Bay Entrance Channel is a narrow and confined (90 to 180 m.) semi-protected channel. Maneuverability is restricted by the width of the ship channel, its current of two knots, and the large number of pleasure and commercial fishing vessels that transit this waterway.

The entrance channel to Charleston Harbor is protected by the north and south jetties. Rotary tidal currents with velocities of one knot exist off the entrance to the harbor. The harbor is characterized by shifting bottom depths due to heavy siltation and dredging. There are 64 U.S. Naval vessels homeported in Charleston. The Navy reported 5299 moves of navy vessels in and out of and within Charleston Harbor in 1976. Additionally, there were

4030 similar moves by 1450 commercial vessels in that year.

The Cooper River has short channel reaches and sharp bends causing adverse currents and eddies. This creates a hazard with the high volume of commercial and naval vessel traffic that utilize this waterway.

The Ashley River follows a winding course and at the Ashley River Bridges, maneuvering is restricted. The channel is about 90 meters wide.

The Wando River is a meandering river with adverse currents and sharp bends.

The approach to Port Royal Sound is a narrow, unprotected channel with shoals to either side. Maneuverability is restricted by the width (90-150 m.) of the ship channel, its current of 1.6 knots, and the large number of fishing vessels that utilize this waterway.

The Tybee Roads Channel approach to the Savannah River is unprotected and shoals line both sides of the channel. The river is confined due to its narrow width (120 m.), and a current of two knots restricts maneuverability. There is a high volume of commercial fishing vessels that utilize the Savannah River.

The Bar Channel approach to St. Simons Sound and Brunswick River is a narrow, confined, unprotected channel, with shoals on both sides of the channel. Maneuverability is restricted due to the channel's width (150 m.), the 1.9 knot current, and the large number of fishing vessels that utilize these waterways.

St. Mary's Entrance has a narrow (120 m.) main ship channel with shoals on both sides of the channel and a current of 2.6 knots. The facilities at Kings Bay are designed for explosive cargo handling for both commercial and military vessels. The main ship channel through Cumberland Sound to Kings Bay is part of the Intracoastal Waterway System for a distance of five miles, and is 60 meters wide. The large number of pleasure craft that utilizes the Intracoastal Waterway System throughout the year increases the congestion on these waterways.

The entrance channel to the St. Johns River and Mayport Basin is short and semi-protected by north and south jetties with a 2.3 knot current. Jacksonville is the largest deep water port on the East Coast of the United States; therefore, there is a very high volume of commercial traffic. Also, Mayport Basin is the home port of a large number of naval vessels. The Intracoastal Waterway traverses the St. Johns River, with many resort areas along its banks increasing pleasure boat traffic.

The entrance to Canaveral Harbor is unprotected with Southeast Shoal to the north of the approach channel. The main ship channel is narrow and confined with a 30° turn at Lighted Buoy "10". A 27 x 180 meter lock is located at the western end of the harbor area that is an important factor to the Intracoastal Waterway barge traffic. Whenever space vehicles are to be launched the area in and around Cape Canaveral becomes congested with pleasure craft.

At Fort Pierce Harbor, the controlling depth of the entrance and inner channel is 7.5 meters. The width of the inlet varies from 115 meters to 70 meters. The tidal current in the inlet has a velocity of about 3 knots. There are a number of shoals and wrecks in the approaches to the harbor; most of them are marked.

Going into the Port of Palm Beach, the controlling depth of the entrance and inner channel is from 10 to 11 meters. The width of the inlet varies from 90 to 150 meters. The current velocity is 2.4 knots on the flood and 3.6 knots on the ebb. A reef in the form of a ridge with scattered boulders extends for about 275 meters eastward of Peanut Island. The reef has a minimum depth of about 1 meter.

The entrance channel to Port Everglades is 150 meters wide and 12 meters deep converging at the jetties to a 90 meter wide channel, 11 meters deep, leading to a turning basin 11 meters deep. The tidal currents in the entrance average about 1 knot. There is heavy small craft traffic. Two submerged breakwaters extending almost 0.7 mile offshore on either side of the entrance are unmarked. A large spoil area north of the entrance channel has very little water on it and at times appears above the water as an island.

The Miami Harbor entrance channel and Government Cut are narrow (120-150 m.) dredged channels with coral shoals on both sides and currents up to 3 knots. Congestion results from the large number of commercial and pleasure vessels that use the channels. The Miami River channel is 27 meters wide with a controlling depth of 3 meters. Large vessels require tug assistance to navigate this river due to the narrow channel and numerous drawbridge spans.

The approach channel and Key West Harbor itself are considered confined and congested due to the channel's narrow width (90 m.), coral shoals, and the large number of fishing vessels that utilize these waterways. The area is unprotected thus restricting the maneuverability because of the wind and adverse currents.

The general layout and traffic density of San Juan Harbor demand greater safety precautions. The harbor entrance channel is narrow with a blind turn. Deep draft vessels must remain within the channel confines during navigation, and anchorage areas are insufficient. Approximately 4100 cargo vessels enter the port annually. A fairly large percentage carry liquid and packaged dangerous cargo. Passenger vessels make a total of 2236 harbor transits each year. The traffic problem is compounded by 150 ferry transits and 12 seaplane movements daily.

Bahia de Mayaguez has shoals extending across the entrance which protect the 3.8 mile-wide bay. The shipping terminal is in the northern part of the bay with depths of 9 to 18 meters, but the southern part is shoal.

Bahia de Guayanilla and Bahia de Tallaboa: only two tugs are available to assist the vessel and barge traffic serving CORCO, PPG, Puerto Rico Olefins, Oxochem, Puerto Rico Chemicals, Texaco, and Shell. The deficiency in maneuverability resulting from inadequate tug assistance causes the area to be effectively more confined. The area is the major chemical port area in Puerto Rico and almost 3 million tons of vinyl chloride, cyclohexane, benzene, toluene, and other chemicals transit the area annually.

Bahia de Ponce is the most important commercial harbor on the southern coast of Puerto Rico. The harbor is protected from the prevailing easterly trade winds by Punta Fenoncillo and Isla de Gata with their surrounding reefs, but it is exposed to the south causing a swell at time in the anchorage. The port facilities are in the eastern part of the 3.5 mile-wide bay, which is surrounded by shoals and reefs; the northern part of the bay shoals to less than 5.5 meters within 0.4 mile of the shore in places.

The port of St. Thomas, U.S. Virgin Islands, is considered congested due to the large number of pleasure boats which restrict the maneuverability of the commercial cruise ships that regularly visit the port.

The entrance to Christiansted Harbor is through a crooked dredged marked channel with a controlling depth of 4.3 meters. Shoaling has occurred close to the edges of the marked channel and extreme caution is advised in transiting it.

Limetree Bay, St. Croix, U.S. Virgin Islands, is the site of the largest petrochemical refinery in the Western Hemisphere. Three VLCCs are laid up within the confined and restricted harbor. Supertankers regularly navigate

the extremely narrow harbor entrance channel (45 m.). Over 256 million barrels of oil annually are handled and shipped by Hess Oil on Limetree Bay. The facility has plans for expansion in the near future including the construction of a roll on/roll off container facility and establishment of an offshore oil unloading terminal in line with the harbor entrance channel.

The approach to Charlotte Harbor, Baco Grande, Florida, is a narrow and unprotected channel with shoals to either side. Maneuverability is restricted due to a large volume of pleasure boat traffic.

The entrance to Tampa Bay has a current of 1.9 knots with a high volume of power and sail pleasure craft. Farther into Tampa Bay the main ship channels have a width of 120 meters with shallow water to either side of the channels, which restricts maneuverability. The ship channels are being dredged on a continual basis. The Port of Tampa has an extremely high volume of commercial traffic.

Eighth Coast Guard District

Pensacola has vessel traffic congestion, particularly at the intersection of the Intracoastal Waterway and the southern portion of Pensacola Bay. Pleasure and fishing vessels are numerous in the area. A 245 meter wide channel at the entrance narrowing to 90 meters at the Pensacola Bay Channel and the extremely close proximity of shoal water in association with several course changes in the channels make extreme caution necessary for safe navigation in this area.

Mobile Channel has heavy vessel traffic congestion, particularly at the intersection of the Intracoastal waterway and the Lower Reach of the Mobile Channel. Pleasure and fishing vessels are numerous in the area. Excessive and reversing east-west currents make the 90 meter channel even more treacherous. Shoal waters are also numerous in the area.

Pascagoula and Bayou Cassotte are subject to vessel traffic congestion, particularly at the intersection of the Intracoastal Waterway and the Pascagoula Channel. Pleasure and fishing vessels are numerous in the area. The channel is 90 meters wide at the entrance narrowing to 70 meters at the Bayou Cassotte approach channel with much nearby shoal water. The configuration of the channels leading into the Pascagoula River is such that upwards of five course changes are required in 11.5 miles. There are abnormal and reversing east-west

currents in the area approaching Horn and Petit Bois Islands and at the intersection of the Intracoastal Waterway. Explosive anchorages are located in close proximity to the channels as are dredging range structures and fixed aids to navigation.

The Mississippi River Gulf Outlet is one of the primary deep draft channels leading to the Port of New Orleans, the second largest port in the United States. Deep draft, towboat, crewboat, fishing and pleasure vessel traffic is very dense in this area. Shoal waters are extensive; collisions, groundings and other types of marine incidents occur frequently on this waterway. The intersection of the Mississippi River Gulf Outlet and the Intracoastal Waterway creates additional problems, due to the entry and exit of slow moving tows at that point.

The Mississippi River is one of the busiest and most hazardous waterways in the United States. Deep draft and towboat traffic is very heavy throughout the area and fishing vessels, crewboats and other types of vessels associated with the offshore oil industry are numerous in the section of the river of New Orleans. Currents are treacherous, particularly during times of high water. Shoaling occurs at many points.

The New Orleans Inner Harbor Navigational Canal is an integral part of the Port of New Orleans and connects the Mississippi River Gulf Outlet, Lake Pontchartrain and the Mississippi River via the Inner Harbor Navigational Canal Locks. The area has heavy vessel traffic of all types.

The Calcasieu Pass Ship Channel is heavily congested with vessel traffic. Deep draft, fishing, oil and mining vessels are numerous in the area. The intersection of the Intracoastal Waterway and the Calcasieu River is a particularly hazardous area due to large tows crossing the waterway at that point. Shoal areas are numerous and there are very few areas which provide sufficient deep water to allow a deep draft vessel to turn or anchor without blocking the channel.

Sabine Pass and the connecting deep water channels are heavily congested with vessel traffic. A large number of deep draft, fishing and towing vessels utilize the waterway. A good portion of the waterway is both a deep draft channel and a part of the Intracoastal Waterway. This creates a hazardous mixture of deep draft vessel traffic and slower towboats with barges. The waterway is also narrow and twisting, requiring many course changes.

The areas of Galveston, Bolivar Roads, and Texas City are subject to

heavy vessel traffic congestion. In addition to vessels coming to or from Galveston or Texas City, all vessels entering or leaving Houston, the nation's third largest port, must travel these waters. Vessel congestion is further compounded by the fact that the Intracoastal Waterway intersects the waterway in close vicinity to the intersection of the Houston Ship Channel and Texas City Channel, thus creating an unusually congested area.

The Houston Ship Channel contains very heavy vessel traffic. Deep draft, fishing, and recreational vessels are numerous in the area. Many of the deep draft vessels routinely carry hazardous cargo in bulk, in containers, and as packaged cargo. The combination of large tows and heavy laden ships operating at different speeds on a narrow twisting channel causes significant additional hazards.

Freeport contains heavy vessel traffic, particularly at the intersection of the Intracoastal Waterway and the Freeport Harbor Channel. Deep draft, commercial fishing, and recreational vessels are numerous.

Matagorda Bay contains heavy vessel traffic, particularly at the intersection of the Intracoastal Waterway and the Matagorda Ship Channel. Deep draft, commercial fishing, and recreational vessels are numerous in this area. Deep draft vessel traffic is expected to increase significantly in this area in the next several years.

The Corpus Christi area is congested with heavy vessel traffic. The intersection of the Corpus Christi Channel, the Intracoastal Waterway, and the La Quinta Channel presents an area of particular hazard. Deep draft, commercial fishing, and recreational vessels are numerous throughout the area.

The Brownsville/Port Isabel area is congested with heavy vessel traffic. Commercial fishing vessels are numerous in addition to significant amounts of deep draft ships. This area is also the southern terminus of the Intracoastal Waterway and has a significant amount of towboat traffic. The channel is narrow (60 m.) and shoal areas are prevalent.

Ninth Coast Guard District

The Great Lakes waters are proposed for listing on the basis of their channelwidth and volume of traffic. The specific data for each are summarized below. The number of calls is for vessels greater than twelve feet draft for the year 1975.

(1) Eastern Lake Ontario Approaches to the St. Lawrence Seaway, NY. (4336 commercial passages in 1975)

(2) Buffalo, NY. (245 m. entrance channel, 623 calls)

(3) Erie, PA (75 m. entrance channel, 298 calls)

(4) Conneaut, OH (135 m. entrance, 823 calls)

(5) Ashtabula, OH (180 m. entrance, 415 calls)

(6) Cleveland, OH (230 m. entrance, 135 m. channel, 1306 calls)

(7) Lorain, OH (170 m. entrance, 60 m. channel, 560 calls)

(8) Western Lake Erie (heavy traffic, confined channels, 1745 calls at Toledo)

(9) Detroit River, Lake St. Clair, and St. Clair River, MI (heavy traffic, confined channels, 12,152 passages in Detroit River)

(10) Southern Lake Huron, MI (heavy traffic)

(11) Saginaw Bay, MI (numerous shoals, long 120 m. entrance channel, 346 calls)

(12) Alpena, MI (60 m. entrance channel, 305 calls)

(13) Calcutti, MI (60 m. entrance channel, numerous calls by limestone carriers)

(14) Straits of Mackinac, MI (heavy traffic, numerous shoals, bridge piers)

(15) Frankfort, MI (45 m. entrance channel, 677 calls)

(16) Ludington, MI (45 m. entrance channel, 1329 calls)

(17) Muskegon, MI (60 m. entrance channel, 380 calls)

(18) Burns Harbor, IN (120 m. entrance, 238 calls)

(19) Southwestern Lake Michigan (heavy traffic, narrow entrances and channels, 1075 calls at Indiana Harbor, 1125 calls at Calumet Harbor)

(20) Kenosha, WI (45 m. entrance channel, numerous calls)

(21) Milwaukee, WI (90 m. entrance, 452 calls)

(22) Manitowoc, WI (90 m. entrance, 452 calls)

(23) Kewaunee, WI (30 m. channel, 1068 calls)

(24) Sturgeon Bay and Canal, WI (60 m. channel, 223 calls)

(25) Passages into Green Bay, WI/MI (restricted passages)

(26) Lower Green Bay, WI (75 m. entrance channel, 219 calls)

(27) Menominee, MI (60 m. channel, numerous calls of colliers)

(28) Escanaba, MI (restricted waters, numerous calls)

(29) St. Marys River, MI (90 m. channel, 7597 passages)

(30) Whitefish Bay, MI (heavy traffic, frequently used anchorage, 7597 passages)

(31) Marquette/Presque Isle, MI (restricted waters, 265 calls)

(32) Keweenaw Waterway, MI (90 m. channel, 62 passages)

(33) Superior, WI and Duluth, MN (120 m. and 75 m. entrances, 1861 calls)

(34) Two Harbors, MN (restricted waters, 366 calls)

(35) Taconite Harbor, MN (120 m. entrance, numerous calls by ore carriers)

Eleventh Coast Guard District

The single entrance to San Diego Harbor is a relatively narrow (180-245 m.) and curving channel which inbound and outbound vessels must transit with particular caution. Home port for over 135 U.S. Navy vessels and a large commercial fishing fleet, there are periods of very high vessel traffic density in the channel and harbor approaches from the sea buoy.

Additionally, heavy recreational boating traffic in the channel and within three miles of Point Loma Light produces maneuvering situations which require increased precautions for the safe navigation of vessels of 1600 gross tons or more.

The Los Angeles/Long Beach port complex handles the largest amount of cargo tonnage on the West Coast. All types of cargo, in particular petroleum products, are processed through these two ports. Deep draft vessels are transiting these channels today with a minimum of "under keel clearance". The proximity of anchorages and the complex configuration of the waterways requires maximum maneuverability precautions for vessels of 1600 gross tons and over inside the breakwaters. Both Los Angeles and Long Beach Channels obliquely intersect their respective outer harbor breakwater entrances, requiring very careful vessel alignment inbound and outbound. Both harbors have pilot boarding areas one mile seaward of breakwater entrances in the vicinity of the sea buoys. The Northern and Southern Traffic Separation Schemes converge in this area south of the breakwater in what is now identified as a Precautionary Area.

Port Hueneme is the port of entry for vessels supplying the Naval Construction Battalion. It also is a deep draft port for maritime shipments of lumber, automobiles, and petroleum products. Although the marine traffic density is small, the entrance channel is only 135 meters wide. This restriction provides limited maneuvering room for the vessels which call at this port.

Twelfth Coast Guard District

A substantial number of large vessels routinely transit to and from various points within San Francisco Bay and are constrained to narrow channels in San Pablo Bay, Suisun Bay, Sacramento and San Joaquin Rivers, Oakland Harbor, Richmond Harbor and Southampton Shoal Channel of widths of 90 meters and various limiting depths. In addition, these vessels must routinely transit San Francisco Bay proper which is considered congested due to the significant number of pleasure as well as commercial craft using the waters.

Humboldt Bay is congested by the high volume of small craft which routinely fish in the approach to Humboldt Bay and transit to various moorings within the Bay. Larger vessels are restricted to 90 to 120 meter channels, 8 meters or more in depth.

Thirteenth Coast Guard District

The Coos Bay channel is narrow (90 m.) and requires numerous course changes within its length of more than ten miles. Maneuvering space is restricted to the channel along much of its length.

The Yaquina Bay and River channel is closely bounded by water as shallow as 2.5 meters. The channel is 45 to 90 meters wide and contains a number of sharp turns. The channel in the proposed area is approximately eleven miles long.

The Columbia River provides access to the port of Portland, Oregon, which handles about 2300 passenger, dry cargo, and tanker movements annually, as well as over 15,000 tug or towboat movements. The channel between the mouth of the Columbia River and Portland is 180 meters wide and approximately 90 miles long. It contains numerous bends and in many places is closely bordered by the shore or shoal waters.

Grays Harbor is confined by extensive shoals and tidal flats. The channel is between 60 and 110 meters wide and meanders for approximately 15 miles before reaching Cosmopolis.

The Puget Sound and Rosario Strait area is largely restricted to prescribed channels and routes due to surrounding land masses. Island groupings (such as the American San Juan Islands between Haro and Rosario Straits) and major islands (such as Whidbey, Bainbridge, and Vashon) are distributed along the interior waterways. Tidal currents in the area have exceptionally strong tropic velocities, attaining 4.7 knots in Admiralty Inlet, 5.1 knots in Tacoma Narrows, and 7.2 knots in Deception

Pass. Fog reduces visibility to less than 3 miles over 12 percent of the time in some parts of the interior waterway. A high volume of vessel traffic such as ferries, commercial fishing vessels, towboats, and recreational vessels crosses shipping lanes used by cargo vessels and oil tankers, thereby creating a hazard. Annual vessel movements (excluding ferry crossings) increased from 38,175 in 1975 to 51,023 in 1977. In addition, ferry movements average about 200,000 per year.

Fourteenth Coast Guard District

Mamala Bay, Hawaii, is characterized by a high density of vessel traffic and contains as hazards to navigation numerous small boats, coral reefs adjacent to the channel, a strong westerly current, and large swells in the channel.

Entry into the harbor at Nawiliwili Bay requires several sharp turns after the breakwater has been passed. An inner channel is 35 meters wide.

Kawaihae Harbor is congested with vessel traffic. The entrance to the harbor is guarded by coral reefs extending from the outer side of the breakwater and from the shore to the south. An unlighted mooring buoy exists in the middle of the harbor. Strong tradewinds prevail.

Hilo Bay, which contains heavy vessel traffic, is subject to strong currents NNW and from the Wailoa and Wiluka Rivers after heavy rains. Blonde Reef and the adjacent shoals pose a hazard to navigation.

Apra Harbor in Guam is congested with both naval and commercial vessels, as well as numerous small craft. Anchorage areas placed to the north and the south of the channel, and shoals and submerged coral reefs make navigation hazardous. Because of the strong currents, a ten knot vessel speed is required to enter the channel.

The numerous vessels using Pago Pago Harbor must navigate to avoid Whale Rock, Grampus Rock, and the shoals near Fatu Rock.

Seventeenth Coast Guard District

Tongass Narrows is a heavily traveled eleven-mile long waterway which narrows to 200 meters in places. This area serves as gateway for most vessels entering and leaving Southeast Alaska and for many vessel types range from small recreational and commercial vessels enroute to other areas of Alaska. Vessels to large passenger and tank vessels with the heaviest concentrations experienced during the summer.

Wrangell Narrows is a long, narrow waterway with several course changes

and restricted passages of as little as 90 meters in width. Vessels in this heavily traveled area include fishing vessels, large passenger vessels, tugs with tows, recreational boats and various other commercial vessels.

Peril Strait is a long, narrow waterway containing numerous course changes and very restricted passages. In places the navigable waterway narrows to 100 meters and contains strong currents, tide rips, whirlpools, and swirls. Vessel usage includes large passenger vessels, tugs with tows, fishing vessels and other commercial vessels.

Hinchinbrook Entrance is a relatively restricted and environmentally sensitive entrance to Prince William Sound. Traffic in this area includes very large tank vessels in the Trans-Alaska Pipeline trade, tugs with tows and heavy concentrations of fishing vessels. During the winter months, this area is subjected to severe weather.

The waters of Valdez Arm and Port Valdez average in width from three to four miles. Valdez Narrows' width is 1100 meters for approximately two miles. Valdez Narrows is further restricted by Middle Rock which decreases the usable channel width to 825 meters. The majority of vessel traffic consists of very large tank vessels engaged in the Trans-Alaska Pipeline trade and occasional heavy concentrations of fishing vessels. This is an environmentally sensitive area where extreme weather conditions can be experienced during the winter months.

Cook Inlet is a relatively restricted area which has a major industrialized waterfront with large merchant vessels operating next to a heavily populated area. This area experiences extreme tidal ranges, currents and a shifting and shoaling bottom configuration. Additionally, during the winter months, a vessel will encounter severe ice conditions, lack of buoyage and limited daylight.

Evaluation

This proposal has been reviewed under the Department of Transportation's "Improving Government Regulations, Regulatory Policies and Procedures" (44 F.R. 11034, February 26, 1979). As discussed above, this proposal designates the areas in which the requirements of § 164.15 of the Navigation Safety Regulations apply. The impact of the § 164.15 requirements was considered when those requirements were promulgated and was found to be minimal. It has further been determined that the economic

impact of this proposal is so minimal as not to require an evaluation.

In consideration of the foregoing, it is proposed that Part 164 of Title 33 of the Code of Federal Regulations be amended by adding a new § 164.16 to read as follows:

§ 164.16 List of confined or congested waters.

The following waters are designated as confined or congested:

- (a) First Coast Guard District
 - (1) *Penobscot Bay, ME.* The waters of Penobscot Bay north of a line drawn from the southernmost extremity of Western Ear to Saddleback Ledge Light, thence to Two Bush Island Light, thence to Whitehead Island Light and west of a line from Isle au Haut Light through Crotch Island Light to Deer Isle; including East and West Penobscot Bay, Isle au Haut Bay, Eggemoggin Reach west of the highway bridge at Byard Point, Bagaduce River, and the Penobscot River to Bangor, ME.
 - (2) *Kennebec River, ME.* The waters of the Kennebec River approaches inside a line drawn from the Cuckholds Light to Seguin Island Light; thence to Fuller Rock Light and north in the Kennebec River to the Bath-Woolwich vertical lift bridge.
 - (3) *Casco Bay and Portland Harbor, ME.* The waters of Casco Bay inside a line drawn from Fuller Rock Light to Halfway Rock Light, thence to Cape Elizabeth Light, including Portland Harbor.
 - (4) *Portsmouth Harbor, NH.* The waters of Portsmouth Harbor approaches inside a line drawn from the tower on Sister's Point charted in approximate position latitude 43°04'32" N, longitude 70°40'06" W, to West Sister Buoy 2, thence to Gunboat Shoal Lighted Bell Buoy 1, thence to Concord Point, Portsmouth Harbor; including Piscataqua River to Dover Point.
 - (5) *Massachusetts Bay, MA.* The waters of Massachusetts Bay inside a line drawn from Eastern Point Light to Newcomb Ledge Lighted Whistle Buoy 1, thence to Boston Lighted Horn Buoy B, thence to Harding Ledge Lighted Bell Buoy 1A, thence to the tower on Point Allerton charted in approximate position latitude 42°18'26" N, Longitude 70°53'08" W, including Gloucester, Salem, and Boston Harbors.
 - (6) *Cape Cod Canal and Buzzards Bay, MA.* The waters of Cape Cod Canal and Buzzards Bay west of a line drawn from Cape Cod Canal Breakwater Light south to the shoreline, north of a line formed by the general trend of the southern shorelines of the Elizabeth Islands from Woods Hole to Cuttyhunk

Island, and east of a line drawn from the southern tangent of Cuttyhunk Island to the tower on Gooseberry Neck charted in approximate position latitude 29.1° N, longitude $71^{\circ}02.3'$ W.

(7) *Narragansett Bay, RI.* The waters of Narragansett Bay inside of an east-west line drawn through Beavertail Light between Brenton Point and the Boston Neck shoreline; including the Providence River to the northern extent of Fox Point Reach, Mount Hope Bay, and Fall River Harbor to the Turning Basin.

(b) [Reserved].

(c) Third Coast Guard District—(1) *Eastern Long Island Sound, Fishers Island Sound, and Tributaries, NY and CT.* The waters of Eastern Long Island Sound, the Race, and Fishers Island Sound northwest of a line drawn from Watch Hill Light, Gardners Island Lighted Bell Buoy 1GI, thence to Plan Island Light, thence to Orient Point Light and east of a line drawn from Saybrook Breakwater Light to the lookout tower on Rocky Point charted in approximate position latitude $41^{\circ}08.3'$ N, longitude $72^{\circ}21.2'$ W; including New London Harbor, the Thames River to Norwich, CT, and the Connecticut River to Hartford, CT.

(2) *New Haven Harbor, CT.* New Haven Harbor and the waters of Long Island Sound north of a line drawn from Jeffrey Point to Branford Reef Light, thence to Townsend Ledge Lighted Gong Buoy 10A; thence to New Haven Light; thence to New Haven West Breakwater West End Light, thence to the southernmost extremity of Oyster River Point.

(3) *Bridgeport, CT.* Bridgeport Harbor and the waters of Long Island Sound north of a line drawn from Stratford Point Light to Bridgeport Harbor Entrance Channel Lighted Gong Buoy 2, thence to Penfield Reef Light.

(4) *Port Jefferson, NY.* Port Jefferson Harbor and the waters of Long Island Sound south of a line drawn from Mount Misery Point Shoal Buoy 11, thence to Port Jefferson Approach Lighted Bell Buoy, thence to Old Field Point Light.

(5) *Western Long Island Sound, NY and CT.* The waters of Long Island Sound west of a line drawn from Greens Ledge Light to Eatons Neck Light and east of the Throgs Neck Bridge; including the connected navigable harbors and the Hutchinson River.

(6) *New York Harbor, NY.* The waters of New York Harbor, Lower Bay and the Atlantic Ocean inside a line drawn from East Rockaway Inlet Breakwater Light to Nantucket Traffic Lane Lighted Whistle Buoy BA, thence to Barnegat Traffic Lane Lighted Whistle Buoy BA, thence to Highlands Light; including the

waters of Lower New York Bay, Raritan Bay, Raritan River, Arthur Kill, Upper New York Bay, Gowanus Canal, Morris Canal, Newark Bay, Kill Van Kull, Hackensack River, Passaic River, Flushing Bay, Rockaway Inlet, Jamaica Bay, Westchester Creek, Bronx River, Harlem River, East River west of the Throgs Neck Bridge, and the Hudson River south of the George Washington Bridge.

Note.—The rules in this Part are advisory only for those portions of the New York Harbor Confined or Congested Waters extending outside the navigable waters of the United States.

(7) *Hudson River, NY.* The waters of the Hudson River between the George Washington Bridge and Federal Lock at Troy, New York.

(8) *Delaware Bay and Delaware River, NJ, DL, and PA.* The approaches to Delaware Bay inside a line drawn from Cape May Light to Delaware Bay Approach Lighted Bell Buoy 2A, thence to Delaware Bay Approach Lighted Gong Buoy 5, thence to the shoreline at latitude $38^{\circ}47.0'$ N, longitude $75^{\circ}05.2'$ W; including Delaware Bay and tributaries including Cape May Canal west of the ferry slips, the Delaware River north to the Railroad Bridge at Trenton, NJ, and the Schuylkill River to the Spring Garden Street Bridge in Philadelphia, PA.

(d) Fifth Coast Guard District—(1) *Upper Chesapeake Bay, MD.* The waters of Chesapeake Bay north of a line drawn on an axis of 110° true through Thomas Point Light; including Baltimore Harbor, Elk River Channel, and the entire length of the Chesapeake and Delaware Canal.

(2) *Chesapeake Bay and Rappahannock Channel, VA.* The waters of Chesapeake Bay within the Rappahannock Shoal Channel between the Chesapeake Channel Lighted Gong Buoy 39 and Chesapeake Channel Lighted Gong Buoy 45.

(3) *Lower Chesapeake Bay, VA.* The waters of Chesapeake Bay enclosed by lines drawn from Cape Henry Light to Cape Charles Light, thence to Wise Point, from Cape Charles City Jetty Light to York Spit Swash Channel Light 3, thence to Sandy Point at latitude $37^{\circ}15.6'$ N, longitude $76^{\circ}23.7'$ W, thence to Tue Marshes Light, thence to Back River Channel Light 9, from Old Point Comfort Light to Fort Wool Light, and between Little Creek Harbor Jetty Lights 2 and 1.

(4) *York River, VA.* The waters of the York River from Tue Point Light to West Point, VA.

(5) *Hampton Roads and the James and Elizabeth Rivers, VA.* The waters of Hampton Roads west of a line drawn

from the Old Point Comfort Light to Fort Wool Light; including the James River to Richmond, VA, and the Elizabeth River to the Newton Park Turning Basin on the Eastern Branch and Gilmerton Turning Basin on the Southern Branch.

(6) *Morehead City Harbor, NC.* The waters of Beaufort Inlet Channel inshore of Beaufort Inlet Channel Lighted Buoys 3 and 4, including the Morehead City Channel and Turning Basin.

(7) *Cape Fear River to Wilmington, NC.* The waters of Bald Head Shoal inshore of Beaufort Inlet Channel Lighted Buoy 3 and the Cape Fear River to Wilmington, NC, including the Turning Basin at Wilmington, NC.

(e) Seventh Coast Guard District—(1) *Winyah Bay, SC.* The waters of Winyah Bay and marked entrance channel shoreward of Winyah Bay Lighted Bell Buoy 2WB and the ship channel in Winyah Bay to the city of Georgetown.

(2) *Charleston Harbor, SC.* The waters of Charleston Harbor and marked entrance channel shoreward of Charleston Lighted Whistle Buoy 2C, the waters of Charleston Harbor and the navigable channels of the Cooper, Ashley and Wando Rivers.

(3) *Port Royal Sound, SC.* The waters of Port Royal Sound and marked entrance channel shoreward of Port Royal Sound Lighted Whistle Buoy 2PR, Port Royal Sound and the Beaufort River to Port Royal.

(4) *Savannah River, GA.* The waters of Tybee Roads and marked entrance channel shoreward of Tybee Lighted Whistle Buoy T and the Savannah River through Savannah to Port Wentworth.

(5) *Brunswick River, GA.* The waters of St. Simons Sound and marked entrance channel shoreward of St. Simons Lighted Whistle Buoy STS, the Brunswick River, Brunswick Harbor (Oglethorpe Bay) and the Turtle River to State Road 303 highway bridge.

(6) *Cumberland Sound and St. Marys Entrance, FL.* The waters and marked entrance channel to St. Marys Entrance shoreward of Lighted Whistle Buoy STM, Cumberland Sound to Kings Bay Upper Turning Basin and the Amelia River to the western end of Rayonier Reach.

(7) *St. Johns River, FL.* The waters of the St. Johns River and marked entrance channel shoreward of St. Johns Lighted Whistle Buoy 2 STJ, Mayport Basin to the St. Johns River, through Jacksonville to the Florida East Coast Railway Bridge.

(8) *Port Canaveral, FL.* The waters of Port Canaveral, the marked entrance channel shoreward of Canaveral Bight Wreck Lighted Buoy WR6, including

Port Canaveral Harbor and turning basin.

Note.—The rules in this Part are advisory only for those portions of the Charleston Harbor, Port Royal Sound, Savannah River, Brunswick River, Cumberland Sound, St. Marys Entrance, and Canaveral Harbor Confined or Congested Waters extending outside the navigable waters of the United States.

(9) *Fort Pierce Harbor, FL.* The waters of Fort Pierce Harbor, and the marked entrance channel shoreward of Fort Pierce Inlet Lighted Whistle Buoy 2, including Fort Pierce Harbor Turning Basin.

(10) *Lake Worth Inlet and the Port of Palm Beach, FL.* The waters of Lake Worth Inlet, the Port of Palm Beach, the marked entrance channel shoreward of Lake Worth Inlet Buoy 2LW, the Lake Worth Channel to Port of Palm Beach, and the Turning Basin.

(11) *Port Everglades, FL.* The waters of Port Everglades and the marked entrance channel shoreward of Port Everglades Lighted Whistle Buoy 1 to Port Everglades Turning Basin, and Intracoastal Waterway southward to Port Lauderdale.

(12) *Miami, FL.* The waters of Miami Harbor and marked entrance channel shoreward of Miami Lighted Buoy M, Government Cut, Fisher Island Turning Basin, Main Channel to the city of Miami, Dodge Island, Dodge Island Channel and Miami River and channel to NW 36 Street Highway Bridge.

(13) *Key West Harbor, FL.* The waters of Key West and marked entrance channel shoreward of Key West Lighted Whistle Buoy, Key West main ship channel, Key West Harbor to the Turning Basin.

(14) *Bahia de San Juan (San Juan Harbor, PR).* The waters of Bahia de San Juan, the marked entrance channel, and the waters within one nautical mile of Bahia de San Juan Lighted Buoy 1, including San Antonio channel and inner harbor, Army Terminal Channel, Graving Dock Channel and Puerto Nuevo Channel.

(15) *Bahia de Mayaguez, PR.* The waters of Bahia de Mayaguez, the marked entrance channel, and the waters within one nautical mile of Bahia de Mayaguez Lighted Buoy 3.

(16) *Bahia de Guayanilla, PR.* The waters of Bahia de Guayanilla, the marked entrance channel, and the waters within one nautical mile of Bahia de Ponce Lighted Buoy 1.

(17) *Bahia de Tallaboa, PR.* The waters of Bahia de Tallaboa, the marked entrance channel, and the waters within one nautical mile of Bahia de Ponce Lighted Buoy 1.

(18) *Bahia de Ponce, PR.* The waters of Bahia de Ponce, the marked entrance channel, and the waters within one nautical mile of Bahia de Ponce Lighted Buoy 2.

(19) *St. Thomas Harbor, U.S. Virgin Islands.* The waters of St. Thomas Harbor, including East Gregerie Channel, Long Bay and Crown Bay shoreward of a line drawn from Red Point to West Gregerie Channel Lighted Buoy 2, thence to Green Cay.

(20) *Christiansted Harbor.* The waters of Christiansted Harbor, the marked channel, and the waters within one nautical mile of Christiansted Harbor Channel Lighted Buoy 1.

(21) *Limetree Bay, St. Croix, U.S. Virgin Islands.* The waters of Limetree Bay, Krause Lagoon, the marked channels and the waters within 2 nautical miles of Limetree Bay Channel Light 3.

(22) *Boca Grande, Charlotte Harbor, FL.* The waters of Boca Grande and marked entrance channel shoreward of Boca Grande Lighted Bell Buoy 2 to Charlotte Harbor, Port Boca Grande.

(23) *Tampa Bay, FL.* The waters of Tampa Bay, Manatee River, Hillsborough Bay and River, Old Tampa Bay and marked entrance channel shoreward of Tampa Bay Lighted Whistle Buoy.

(f) Eighth Coast Guard—(1) *Pensacola, FL.* The waters of the marked entrance channel shoreward of Pensacola Bay Entrance Lighted Whistle Buoy 1, Caucus Channel, and Pensacola Bay west of the Pensacola Bay Fixed Bridge.

(2) *Mobile, AL.* The waters shoreward of Mobile Bar Lighted Bell Buoy 2 which are located within the following marked navigable channels: Mobile Entrance Channel, Mobile Channel, Lower and Upper Reaches, Pinto Island Reach, Mobile Turning Basin, and Blakeley Island Reach to the Cochran Avenue Bridge (latitude 30°44.0' N.).

(3) *Pascagoula and Bayou Casotte, MS.* The waters shoreward of Horn Island Pass Entrance Lighted Buoy HIP and the following marked navigable channels: Horn Island Pass Channel, Pascagoula Channel to and including the Pascagoula Channel Turning Basin, and the Bayou Casotte Channel to the Bayou Casotte Channel Range B Front Light.

(4) *Mississippi River Gulf Outlet, LA.* The navigable, marked channel and all adjacent navigable waters exceeding 6 meters in depth at mean low water within one nautical mile of the marked channel from Mississippi River Gulf Outlet Canal Lighted Buoy 2 to its intersection with the Gulf Intracoastal Waterway at latitude 30°05' N., longitude 89°55.3' W., and from there the

Gulf Intracoastal Waterway westward to its junction with the Inner Harbor Navigation Canal.

Note: The rules in this Part are advisory only for those portions of the Mississippi River Gulf Outlet Confined or congested Waters extending outside the navigable waters of the United States (i.e. waters seaward of the Mississippi River Gulf Outlet Canal Lighted Buoy 22).

(5) *Mississippi River, LA.* The navigable marked channel and all adjacent navigable waters exceeding 6 meters in depth at mean low water within one nautical mile of the marked channels from South Pass Lighted Whistle Buoy 2 through South Pass to Head of Passes, from Southwest Pass Entrance Mid Channel Lighted Whistle Buoy SW through Southwest Pass, and from head of passes up the Mississippi River to Thomas Point Light (mile 241.5 AHOP).

(6) *New Orleans Inner Harbor Navigational Canal, LA.* The waters of the New Orleans Inner Harbor Navigational Canal from its junction with the Mississippi River to the Southern Railway Bridge at the northern terminus of the canal.

(7) *Calcasieu Pass Ship Channel, LA.* The waters of the navigable marked channel and all adjacent navigable waters exceeding 6 meters in depth at mean low water within one nautical mile of the marked channels shoreward of Calcasieu Channel Lighted Buoys 27 and 28, Calcasieu Channel, Industrial Canal, Rose Bluff Cutoff, including the navigable waters in the vicinity of Coon Island and Clooney Islands to the Interstate Route 10 Highway Bridge at Lake Charles, LA.

Note: The rules in this Part are advisory only for those portions of the Calcasieu Pass Confined or Congested Waters extending outside the navigable waters of the United States (i.e. waters more than 3 miles south of the Calcasieu Pass Jetties).

(8) *Sabine Pass and Connecting Deep Water Channels, LA/TX.* The navigable marked channel and all adjacent navigable waters within one nautical mile of the marked channel having a depth exceeding 6 meters at mean low water, from Sabine Pass East Jetty Light continuing shoreward to include Sabine Pass Jetty Channel, Sabine Pass Channel, Port Arthur Canal, East Basin, West Basin, Taylor Bayou Turning Basin and connecting waters, Sabine Neches Canal and Neches River to the Interstate Route 10 Highway Bridge (latitude 30°05.7' N) at Beaumont, and the Sabine-Neches Canal and Sabine River, including the navigable waters surrounding Orange Harbor Island to

the Old Highway 90 Bridge Site (latitude 30°05.8' N) in Orange.

(9) *Galveston, Bolivar Roads, Texas City, TX.* The navigable marked channel and all adjacent navigable waters within one nautical mile of the marked channel having a depth exceeding 6 meters at mean low water, from Galveston Bay Entrance Channel Lighted Whistle Buoy 1 and continuing shoreward to include the following channels: Galveston Bay Entrance Channel, the Outer Bar Channel, the Inner Bar Channel, Bolivar Roads including the Bolivar Roads Channel, the Galveston Channel to the Pelican Island Drawbridge, the Texas City Channel, Texas City Turning Basin and the Texas City Canal to and including the Texas City Canal Turning Basin.

(10) *Houston Ship Channel, TX.* The navigable, marked channel of the Houston Ship channel and all adjacent navigable waters exceeding 6 meters in depth at mean low water, including Barbours Cut Channel and Turning Basin, Hunting Bayou Turning Point, Sims Bayou Turning Point, Brady Island Turning Point, and the Houston Ship Channel Turning Basin to the T&N Railroad Bridge (longitude 95°17.6' W).

(11) *Freeport, TX.* The waters of the navigable marked channel shoreward of Freeport Entrance Lighted Whistle Buoy 1, including the Freeport Entrance Channel, Freeport Harbor Channel including the Brazos Harbor up to and including the Upper Turning Basin.

(12) *Matagorda Bay, TX.* The waters of the navigable, marked channel shoreward of Matagorda Ship Channel Lighted Bell Buoy 1, the Sea Bar Channel, the Jetty Channel, and the Matagorda Ship Channel up to and including the Point Comfort Turning Basin and extending to the northern extremity of the Alcoa Bulk Loading Terminal (latitude 28°39.3' N, longitude 96°33.8' W).

(13) *Corpus Christi, TX.* The waters of the navigable, marked channel shoreward of Aransas Pass Lighted Buoy 3, including Aransas Pass Channel; and from Aransas Pass Channel, the navigable marked channel and all adjacent navigable waters exceeding 6 meters in depth at mean low water including Corpus Christi Channel, the Corpus Christi Channel Turning Basin, the Industrial Canal, the Avery Point Turning Basin, the Tule Lake Channel and the Chemical Turning Basin, the Tule Lake Turning Basin, the Viola Channel to and including the Viola Turning Basin, and the La Quinta Channel to and including the La Quinta Channel Turning Basin.

(14) *Brownsville/Port Isabel, TX.* The waters of the navigable marked channel shoreward of Brazos Santiago Pass Entrance Channel Lighted Buoy 2 including the Brazos Santiago Pass Entrance Channel, the Lagunda Madre Channel, the Brownsville Ship Channel up to and including the Port Isabel Turning Basin and the East and West Port Isabel East Junction Channels.

(g) Ninth Coast Guard District—(1) *Eastern Lake Ontario Approaches to the St. Lawrence Seaway, NY.* The U.S. waters of Lake Ontario east of a line drawn from East Charity Shoal Light to Galloo Island Light, thence to Stony Point Light.

(2) *Buffalo, NY.* Buffalo Harbor, the Buffalo River, and the U.S. waters of Lake Ontario within 6 kilometers (3.73 statute miles) of Buffalo Harbor Light.

(3) *Erie, PA.* Erie Harbor, Presque Isle Bay, and the waters of Lake Erie within 6 kilometers (3.73 statute miles) of Erie Harbor Pierhead Light.

(4) *Conneaut, OH.* Conneaut Harbor and the waters of Lake Erie within 3 kilometers (1.86 statute miles) of Conneaut Harbor West Breakwater Light.

(5) *Ashtabula, OH.* Ashtabula Harbor and the waters of Lake Erie within 3 kilometers (1.86 statute miles) of Ashtabula Harbor Light.

(6) *Cleveland, OH.* Cleveland Harbor and the waters of Lake Erie within 6 kilometers (3.73 statute miles) of Cleveland Harbor West Pierhead Light.

(7) *Lorain, OH.* Lorain Harbor, the Black River, and the waters of Lake Erie within 3 kilometers (1.86 statute miles) of Lorain Harbor Light.

(8) *Western Lake Erie, OH/MI.* The U.S. waters of Lake Erie west of longitude 82°35' W including Sandusky, Toledo, and Monroe Harbors.

(9) *Detroit River, Lake St. Clair, and St. Clair River, MI.* The U.S. waters of the Detroit River, Lake St. Clair, and St. Clair River.

(10) *Southern Lake Huron, MI.* The U.S. waters of Lake Huron within 16 kilometers (9.94 statute miles) of Fort Gratiot Light.

(11) *Saginaw Bay, MI.* The waters of Saginaw Bay southwest of a line drawn between Port Austin Reef Light and Tawas Light including Bay City Harbor and the Saginaw River to the Holland Avenue Bridge.

(12) *Alpena, MI.* The Thunder Bay River and the waters of Thunder Bay within 5 kilometers (3.11 statute miles) of Alpena Light.

(13) *Calcite, MI.* Calcite Harbor and the waters of Lake Huron within 3 kilometers (1.86 statute miles) of Calcite Breakwater Light.

(14) *Straits of Mackinac, MI.* The waters of the Straits of Mackinac, Lake Huron, and Lake Michigan west of a line drawn from Hammond Bay Harbor of Refuge East Breakwater Light to Spectacle Reef Light, thence to Bois Blanc Light, thence north to Marquette Island (latitude 45°57.3' N, longitude 84°25.2' W) and east of a line drawn from Seul Choix Point Light to St. James Light, thence a straight line through Ile Aux Galets Light to the shoreline.

(15) *Frankfort, MI.* Lake Betsie and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Frankfort North Breakwater Light.

(16) *Ludington, MI.* Pere Marquette Lake and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Ludington North Breakwater Light.

(17) *Muskegon, MI.* Muskegon Lake and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Muskegon North Breakwater Light.

(18) *Burns Harbor, IN.* Burns Harbor and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Muskegon North Breakwater Light.

(19) *Southwestern Lake Michigan, IL/IN.* The waters of Lake Michigan southwest of a line drawn from Burns Harbor West Light to Grossepont Light; including Chicago Harbor, Calumet Harbor and River, Indian Harbor, Buffington Harbor, and Gary Harbor.

(20) *Kenosha, WI.* Kenosha Harbor and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Kenosha Breakwater Light.

(22) *Manitowoc, WI.* The Manitowoc River and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Manitowoc Breakwater Light.

(23) *Kewaunee, WI.* Kewaunee Harbor and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Kewaunee Breakwater Light.

(24) *Sturgeon Bay and Canal, WI.* Sturgeon Bay, Sturgeon Bay and Lake Michigan Ship Canal, the waters of Lake Michigan within 5 kilometers (3.11 statute miles) of Sturgeon Bay Canal Light, and the waters of Green Bay within 5 kilometers of Sherwood Point Light.

(25) *Passages into Green Bay, WI/MI.* The waters of Lake Michigan, Green Bay, Poverty Island Passage, St. Martin Island Passage, Rock Island Passage, Detroit Island Passage, and Porte des Morts Passage west of a line drawn from Cana Island Light to Porte des Morts Entrance Lighted Bell Buoy, thence to Fisherman Shoal Lighted Bell Buoy 6, thence to Poverty Island Light; and east of a line drawn from the eastern tangent of Little Summer Island to St. Martin Island Light, thence to

Boyer Bluff Light, thence to the western tangent of Deathdoor Bluff.

(26) *Lower Green Bay, WI.* The waters of Green Bay south of Green Bay Entrance Channel Lighted Bell Buoy 2 including Green Bay Harbor, and the Fox River to the Turning Basin at De Pere.

(27) *Menominee, MI.* The Menominee River and the waters of Lake Michigan within 3 kilometers (1.86 statute miles) of Menominee Pierhead Light.

(28) *Escanaba, MI.* The waters of Little Bay De Noc and its tributaries north of Escanaba Light.

(29) *St. Marys River, MI.* The waters of Lake Huron within 3 kilometers (1.86 statute miles) of De Tour Reef Light, De Tour Passage, and the U.S. waters of the St. Marys River to Whitefish Bay.

(30) *Whitefish Bay, MI.* The U.S. waters of Whitefish Bay south of Whitefish Point Light.

(31) *Marquette/Presque Isle, MI.* The waters of Marquette Bay, Presque Isle Harbor, and the waters of Lake Superior within 3 kilometers (1.86 statute miles) of Marquette Light.

(32) *Keweenaw Waterway, MI.* The waters of Keweenaw Bay within 3 kilometers (1.86 statute miles) of Keweenaw Waterway Lower Entrance Light, Portage River, Portage Lake, Keweenaw Waterway, and Lake Superior within 3 kilometers of Keweenaw Upper Entrance Light.

(33) *Superior, WI and Duluth, MN.* Duluth-Superior Harbor, the St. Louis River to St. Louis River Buoy 38, and the waters of Lake Superior within 5 kilometers (3.11 statute miles) of either Superior Entry South Breakwater Light or Duluth Harbor South Breakwater Light.

(34) *Two Harbors, MN.* Agate Bay and the waters of Lake Superior within 3 kilometers (1.86 statute miles) of Two Harbors East Breakwater Light or Duluth Harbor South Breakwater Light.

(35) *Taconite Harbor, MN.* The waters of Taconite Harbor and the waters of Lake Superior within 3 kilometers (1.86 statute miles) of the Taconite Harbor East Pierhead Light 2.

(h) Eleventh Coast Guard District—(1) *San Diego, CA.* San Diego Harbor and the waters within a three nautical mile radius of Point Loma Light.

(2) *Los Angeles/Long Beach, CA.* Los Angeles Harbor, Long Beach Harbor, San Pedro Bay and the waters of the Los Angeles/Long Beach Precautionary Area described by a line drawn from the shoreline at latitude 33°41.7' N, longitude 118°02.8' W, thence to latitude 33°37.7' N, longitude 118°05.4' W, thence to latitude 33°37.7' N, 118°17.6' W, thence to Point Fermin Light.

Note: The rules in this Part are advisory only for those portions of the Los Angeles/Long Beach Confined or Congested Waters extending outside the navigable waters of the United States, (i.e. waters more than 3 miles from shore or the San Pedro Breakwater).

(3) *Port Hueneme, CA.* Port Hueneme Harbor and the waters of the approach to Port Hueneme within three nautical miles of the seaward extremity of the Port Hueneme Breakwaters.

(i) Twelfth Coast Guard District—(1) *San Francisco Bay, CA and Tributaries.* The waters of San Francisco Bay, including the San Francisco waterfront, Oakland Outer Harbor, Oakland Middle Harbor, Oakland Inner Harbor, Brooklyn Basin, San Leandro Bay Channel, Alameda Naval Air Station Channel, San Pablo Bay, Mare Island Strait, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River up to and including Stockton, Sacramento Channel, Sacramento River, Upper Sacramento River, and the waters of the San Francisco Main Ship Channel from Lighted Bell Buoy 1 through the Golden Gate.

Note: The rules in this Part are advisory only for those portions of San Francisco Confined or Congested Waters extending outside the navigable waters of the United States.

(2) *Humboldt Bay, CA.* Humboldt Bay, including the navigable channels of Arcata Bay and South Bay and the waters within one nautical mile of Humboldt Bay Entrance Light 4.

(j) Thirteenth Coast Guard District—(1) *Coos Bay, OR.* The waters of Coos Bay, inside a line drawn across the seaward, above water extremities of Coos Bay entrance jetties and eastward to Isthmus Slough.

(2) *Yaquina Bay, OR.* The waters of Yaquina Bay, inside a line drawn across the seaward, above water extremities of Yaquina Bay entrance jetties, and Yaquina Bay eastward on the Yaquina River to Toledo, Oregon.

(3) *Columbia River, OR/WA.* The waters of the Columbia River inside a line drawn across the seaward, above water extremities of the Columbia River jetties and easterly to the Vancouver, Washington bridge, and the Willamette River including Portland, Oregon.

(4) *Grays Harbor, WA.* The waters of Grays Harbor inside a line-drawn across the seaward, above water extremities at the Greys Harbor entrance jetties, and the Chehalis River to Cosmopolis, Washington.

(5) *Puget Sound and Rosario Strait, WA.* The United States navigable waters bounded by latitudes 48°24'N to 48°48'N and longitudes 122°26'W to 123°17'W, and the waters of Similk Bay,

Skagit Bay, and all waters of Puget Sound and its tributaries lying south and east of a line drawn between Point Partridge and Point Wilson at the entrance to Admiralty Inlet.

(k) Fourteenth Coast Guard District—(1) *Mamala Bay, HI.* The waters of Mamala Bay inside of a line drawn from Barbers Point Light to Diamond Head Light including Honolulu Harbor and Kewalo Basin and excluding Pearl Harbor.

(2) *Nawiliwili Bay, Kauai, HI.* The waters of Nawiliwili Bay inside a line drawn between Carter Point and Ninini Point.

(3) *Kawaihae Harbor, Hawaii, HI.* The waters of Kawaihae Harbor and marked channel inside of Kawaihae Harbor Entrance Lighted Buoy 1 and 2.

(4) *Hilo Bay, Hawaii, HI.* The waters of Hilo Bay inside a line drawn from Paukaa Point Light and the northeast tangent of the Hilo Breakwater.

(5) *U.S. Territory of Guam.* The waters of Apra Outer Harbor inside a line drawn from the westernmost extremity of Orote Island to the westernmost extremity of Glass Breakwater excluding the Apra Inner Harbor Restricted Area described in 33 CFR 207.808.

(6) *Pago Pago Harbor, American Samoa.* The waters of Pago Pago Harbor inside a line drawn from Fatu Rock to Breakers Point Light.

(l) Seventeenth Coast Guard District—(1) *Tongass Narrows, AK.* The waters of Tongass Narrows north of a line bearing 270° true from Mountain Point Light and south of a line bearing 090° true from Rosa Reef Light.

(2) *Wrangell Narrows, AK.* The waters of Wrangell Narrows north of a line bearing 280° true from Point Alexander Light and southwest of a line bearing 160° true from Prolewy Point (latitude 56°50'07" N, longitude 132°56'22" W) through Wrangell Narrows Channel Lighted Bell Buoy 62.

(3) *Peril Strait (Kakul Narrows, Sergius Narrows, and Adams Channel), AK.* The waters of Peril Strait, including Kakul Narrows, Sergius Narrows, and Adams Channel, north of a line bearing 120° true from Round Island through Kakul Rock Buoy 2 and south of a line bearing 270° true from Povorotni Island Light.

(4) *Hinchinbrook Entrance, AK.* The waters of Hinchinbrook Entrance north of a line drawn from Cape Hinchinbrook Light to Seal Rocks Light, thence 270° true to the shoreline of Montague Island and south of a line drawn from Bear Cape Light 2, 342° true to Middle Point.

Note.— The rules in this Part are advisory only for those portions of the Hinchinbrook Entrance Confined or Congested Waters extending outside the navigable waters of the United States (i.e., waters more than 3 miles south of the baseline from Cape Hinchinbrook Light to Schooner Rock or the southern shoreline of Montague Island).

(5) *Valdez, AK.* The waters of Port Valdez and Valdez Arm north of a line drawn from the southwestern tip of Reef Island (latitude 60°50'40" N, longitude 146°50'40" W) to Glacier Island Light.

[CGD 77-1976]

[FR Doc. 79-11778 Filed 4-13-79; 8:45 am]

BILLING CODE 4910-14-M

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Federal Register

Vol. 44, No. 74

Monday, April 16, 1979

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- 523-5266 Slip Laws
- 523-5282
- 523-5266 U.S. Statutes at Large
- 523-5282
- 523-5266 Index
- 523-5282
- 523-3408 Automation
- 523-4534 Special Projects

FEDERAL REGISTER PAGES AND DATES, APRIL

19181-19364	2
19365-20053	3
20055-20393	4
20395-20624	5
20625-20998	6
20999-21240	9
21241-21606	10
21607-21756	11
21757-22024	12
22025-22432	13
22433-22696	16

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL

1 CFR	1421..... 19182, 19371
Ch. I.....	1472..... 21621
51.....	1701..... 20629
	1822..... 20396, 20629, 21761
	1980..... 22433
3 CFR	Proposed Rules:
Administrative Orders	Ch. IX..... 20164
Presidential	271..... 21504, 21541
Determinations:	272..... 21541
April 6, 1979.....	275..... 21504
Proclamations:	800..... 20164
3279 (Amended by	802..... 20164
Proc. 4655).....	803..... 20164
4652.....	918..... 20444
4653.....	1421..... 19411
4654.....	1423..... 19413
4655.....	1424..... 19413
4656.....	1427..... 19416
4657.....	1434..... 19413
Executive Orders:	1446..... 22081
11636 (Amended by	1491..... 20164
EO 12128).....	1701..... 20709
12107 (Amended by	1822..... 19419
EO 12128).....	1823..... 21801
12127.....	1942..... 21801
12128.....	1933..... 19419
12129.....	1944..... 21994
12130.....	
4 CFR	8 CFR
416.....	108..... 21253
	236..... 21253
5 CFR	Proposed Rules:
213.....	231..... 21809
230.....	
250.....	9 CFR
300.....	78..... 22045
302.....	82..... 19371, 19372, 21259,
315.....	22046
316.....	92..... 19373
340.....	381..... 22047, 22049
351.....	Proposed Rules:
410.....	92..... 19423
531.....	
591.....	10 CFR
720.....	140..... 20632
737.....	212..... 22010
890.....	420..... 20055
	430..... 22410
7 CFR	450..... 19338, 21005
1.....	455..... 19338, 21005
6.....	508..... 21230
15a.....	595..... 20398
226.....	Proposed Rules:
227.....	Ch. I..... 21810
905.....	Ch. II..... 21810
907.....	35..... 21023
908.....	140..... 20709
910.....	210..... 19423
911.....	211..... 19423, 20444
915.....	212..... 19423, 21651
928.....	420..... 22608
979.....	436..... 19326
1002.....	440..... 22608
1004.....	456..... 21654
	500..... 19427

501.....	19427
502.....	19427
503.....	19427
504.....	19427
505.....	19427
506.....	19427
507.....	19427
600.....	20594

11 CFR

Ch. IX.....	20336, 22407
-------------	--------------

12 CFR

4.....	20063
5.....	20064
7.....	22388
8.....	20065
12.....	19374
24.....	19374
207.....	20066
220.....	20066
221.....	20066
307.....	20633
327.....	20633
701.....	21762

Proposed Rules:

27.....	22396
204.....	20716
217.....	20716, 21023
329.....	21290
526.....	21027, 22469
701.....	20447, 21029

13 CFR

113.....	20067
120.....	21622
311.....	20634

Proposed Rules:

107.....	21292
121.....	21654
131.....	21654
302.....	19427

14 CFR

39.....	19184, 20402, 21763, 22439, 22440
71.....	19185, 20402, 21763- 21766, 22471
73.....	21766, 22442
97.....	20403
205.....	20635
323.....	20635
296.....	21767
375.....	21767
385.....	20645

Proposed Rules:

Ch. V.....	19206
23.....	22656
25.....	22656
39.....	19205, 21811
71.....	19205, 20448, 21812- 21815, 22471
135.....	22656
323.....	20717
399.....	21816

15 CFR

90.....	20646
275.....	19383
372.....	20073
375.....	19383

Proposed Rules:

934.....	22081
----------	-------

16 CFR

1.....	21005, 21624
13.....	19384, 20074, 20405
901.....	21005
456.....	22442
1700.....	21625

Proposed Rules:

13.....	21033, 21035, 21820, 22488, 22491, 22494
450.....	22497
1307.....	22497

17 CFR

170.....	20649
200.....	19186, 21562
202.....	21562
210.....	19386
211.....	20075
230.....	21562
231.....	21007, 21562, 21626
239.....	21562
240.....	21213
249.....	21562
249a.....	21213
240.....	19386
270.....	19387
271.....	21007, 21626
275.....	19386
279.....	21008
300.....	21211
301.....	21211

Proposed Rules:

Ch. II.....	20354
32.....	22089
140.....	21295
230.....	21656
240.....	20614
249.....	20614

18 CFR

3.....	20077
35.....	20077
154.....	19387
157.....	19387
274.....	21008
284.....	20078
287.....	20078

Proposed Rules:

Ch. I.....	22090
Ch. II.....	19206
1a.....	21586
1b.....	21586
4.....	22109
16.....	22109
32.....	21683
35.....	21686, 22110
131.....	22109
141.....	21596
154.....	22110
157.....	21682
273.....	22110
308.....	20175

19 CFR

101.....	19389
153.....	22051
159.....	21009, 21260, 21768 22052

20 CFR

404.....	20652, 22444
416.....	22444
422.....	20078

675.....	19990
676.....	19990
677.....	19990
678.....	19990
679.....	19990

Proposed Rules:

401.....	21496
404.....	20179
416.....	20179

21 CFR

10.....	22318
12.....	22318
13.....	22318
14.....	22318
15.....	22318
16.....	22318
80.....	22053
175.....	20653
176.....	20653
182.....	20655, 20656
184.....	19389, 20655, 20656
193.....	19186
201.....	20657
369.....	22053
430.....	20663
431.....	20663
436.....	20659, 20663, 22057
440.....	22058
442.....	20663
446.....	20667, 22057
448.....	22059
449.....	20659
460.....	20663, 20668
505.....	22053
510.....	20670
520.....	21260
522.....	20671
536.....	22053
539.....	22053
540.....	20672
548.....	22053
558.....	20673, 20676
561.....	19186
610.....	20673
680.....	20673
801.....	20676

Proposed Rules:

70.....	20718
182.....	19430
184.....	19430
186.....	19430
207.....	22110
310.....	19434
314.....	19434
320.....	22111
413.....	19434
500.....	20718
510.....	19438
514.....	20718
571.....	20718
808.....	19438, 19443, 22118, 22119
884.....	19894-19970
1090.....	22121

22 CFR

11.....	19391
15a.....	21011
51.....	19393

Proposed Rules:

142.....	21661
----------	-------

24 CFR

200.....	19394, 22444
280.....	20679
510.....	21750
570.....	20994, 22453, 22648
600.....	21227
841.....	20090, 22678
882.....	21629
888.....	21768
1710.....	21442, 22059
1715.....	21442, 22059
1914.....	19397, 20093, 21769
1915.....	19399, 19400, 21630
1917.....	19400, 20155-20163, 20405-20415, 21631-21643, 21770-21784,
3280.....	20679, 21014

Proposed Rules:

39.....	21669
279.....	22652
570.....	22682
600.....	21738, 22666
865.....	22472
870.....	22472
882.....	21556
1917.....	20206-20219, 20449- 20460, 21038-21042, 21297- 21301, 21669-21680, 22121
2205.....	21216

25 CFR

41.....	19187
43.....	19187

26 CFR

1.....	20078, 20416
5.....	19190
53.....	21643

Proposed Rules:

Ch. I.....	19284
31.....	21824

27 CFR**Proposed Rules:**

231.....	22473
240.....	22473

28 CFR

0.....	21261
60.....	21785

29 CFR

575.....	22059
1910.....	20680, 20940
1926.....	20940
2520.....	19400
2610.....	22453

Proposed Rules:

402.....	21302
403.....	21301, 21302
1601.....	22122
2520.....	21302
2530.....	21302

30 CFR**Proposed Rules:**

55.....	22123
56.....	22123
57.....	22123

31 CFR

8.....	21302
51.....	19191

203.....20433
226.....19406

32 CFR

197.....21786
706.....22455
718.....22455
825a.....20681

Proposed Rules:

294.....21304

32A CFR

134.....19207

33 CFR

80.....22456
82.....22457
95.....22456
110.....21792
117.....19192
127.....20424
165.....20425

Proposed Rules:

Ch. I.....19207
117.....19208
153.....22476
161.....21974, 22476
164.....22686
343.....20350

36 CFR

921.....22061
9.....20426

Proposed Rules:

51.....22123

37 CFR**Proposed Rules:**

2.....22478
302.....20220

38 CFR

1.....22067

39 CFR

111.....21015

Proposed Rules:

3001.....22479

40 CFR

52.....19192, 20079, 20372,
21019, 21644
65.....20080-20082, 22458,
22460, 22461
81.....21261
86.....20084
180.....21645, 22068
407.....22463
434.....19193
435.....22069

Proposed Rules:

52.....20221, 20372, 21307-
21313, 21828, 22126
56.....20718
65.....19208-19211, 20222,
20223, 20225-20227, 20719,
21042, 21315, 21680, 22129-
22131, 22480, 22481
81.....19212, 19213, 21043
86.....22131
405.....19214
406.....19214
407.....19214

408.....19214, 20461
409.....19214
411.....19214
412.....19214
418.....19214
422.....19214
424.....19214
427.....19214
432.....19214

41 CFR

Ch. 1.....21792
Ch. 4.....20427, 20428
1-16.....20688
1-18.....20688
3-2.....21264
3-6.....21266
101-20.....22465
20.....19194
50-201.....22078
101-47.....19406
114-51.....21267

Proposed Rules:

101-20.....19443

42 CFR

2a.....20382
122.....19304
123.....19304
447.....20695

Proposed Rules:

36.....22132
51.....22132
51b.....22133
51c.....22133
51g.....22133
56.....22133
71.....21044
110.....22133
433.....20722
460.....20724

43 CFR

17.....22372
3250.....20390
3830.....20428

Proposed Rules:

3400.....20464
4700.....20724

Public Land Orders:

5660.....19406

45 CFR

205.....20430
220.....20430
222.....20430
228.....20088, 20430
602.....19406
1068.....21020
1160.....21681
1495.....22660

Proposed Rules:

Ch. XIII.....19214
130.....22482
206.....21044
1068.....21829
1071.....21829
1624.....22482

46 CFR

12.....21020
401.....19360
537.....21646

Proposed Rules:

Ch. IV.....22487
401.....19362, 21044
402.....19362, 21044

47 CFR

0.....21267, 21793, 22078
2.....21021, 21793
15.....21021
73.....20432, 21021, 22078
83.....21022
90.....22079
97.....22466

Proposed Rules:

73.....20465, 21044-21048,
21050, 22133
81.....21831
95.....20465
97.....20465

48 CFR**Proposed Rules:**

15.....19214
17.....19214
24.....19214
32.....21051
42.....21051
44.....19214

49 CFR

172.....21793, 22466
173.....20433, 21793
178.....21793
179.....20433
256.....21646
573.....20434
1033.....19202, 19203, 20437-
20439, 21647, 21797, 21798
1300.....21647
1303.....21647
1306.....21647
1307.....21647
1308.....21647
1309.....21647
1310.....21647

Proposed Rules:

525.....21051
1605.....22110
1710.....20461
1720.....20461
1730.....20461
1740.....20461
1760.....20461
1770.....20461
1780.....20461
1790.....20461

50 CFR

17.....21288
26.....22467
32.....20440, 21799
33.....19407, 19408, 20089,
21800
216.....20440, 21800
222.....21288
230.....19408
602.....20441
611.....21022
652.....20441
653.....20442
671.....20698

Proposed Rules:

Ch. VI.....21681
12.....20228

258.....21832
651.....21682
652.....20467
654.....19444

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

- 15703 3-15-79 / Massachusetts; implementation of air quality plans

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

- 16007 3-16-79 / Criteria for adequate and well-controlled investigations of new animal drugs

NUCLEAR REGULATORY COMMISSION

- 15998 3-16-79 / Waiver or reduction of fees for searching and reproduction of records

TRANSPORTATION DEPARTMENT

Coast Guard—

- 15702 3-15-79 / Broad Canal, Mass.; drawbridge operations
Federal Aviation Administration—

- 12635 3-8-79 / Airworthiness directives, Bell Model 212 Helicopters

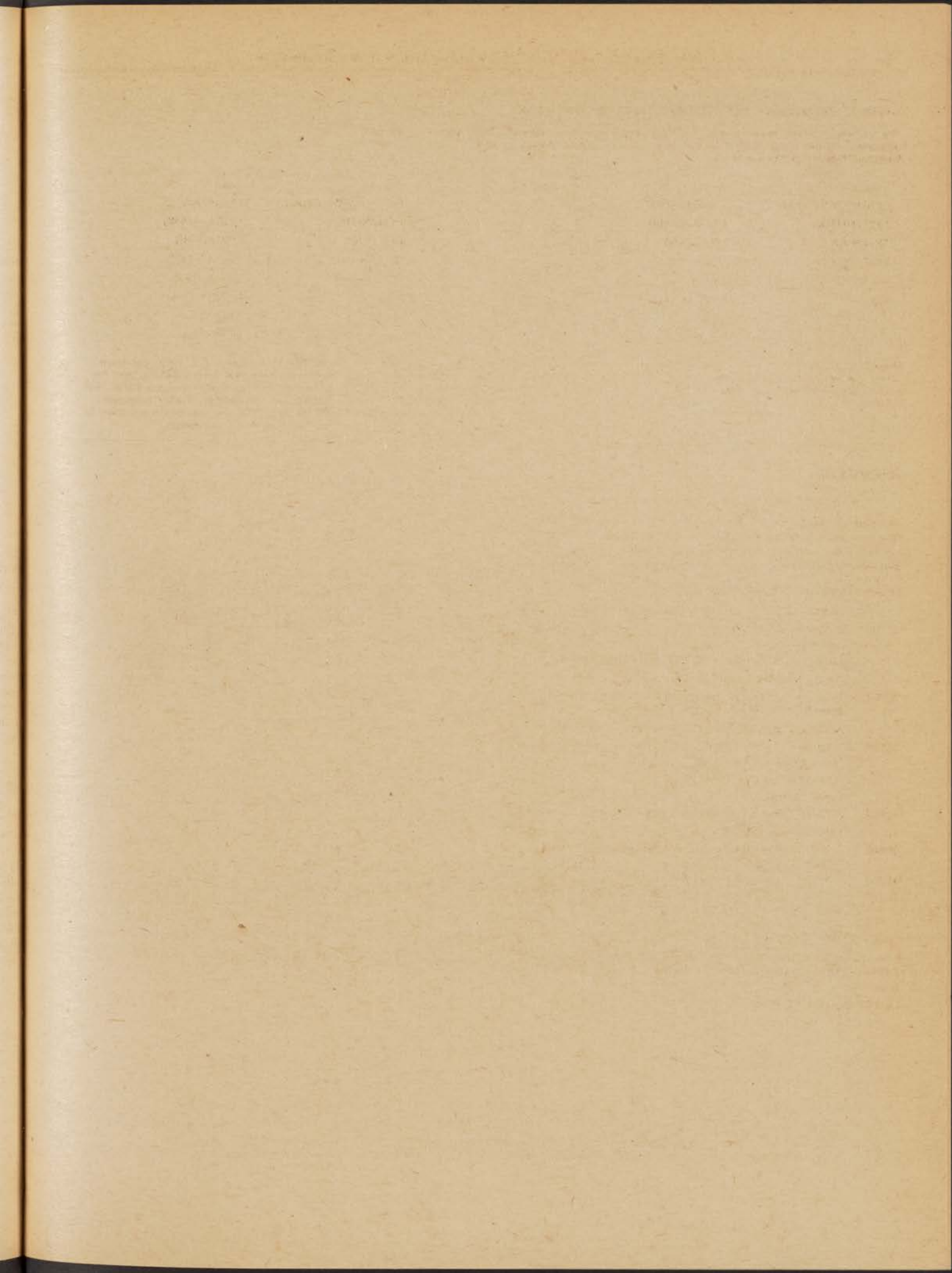
- 15654 3-15-79 / Operations review program provisions

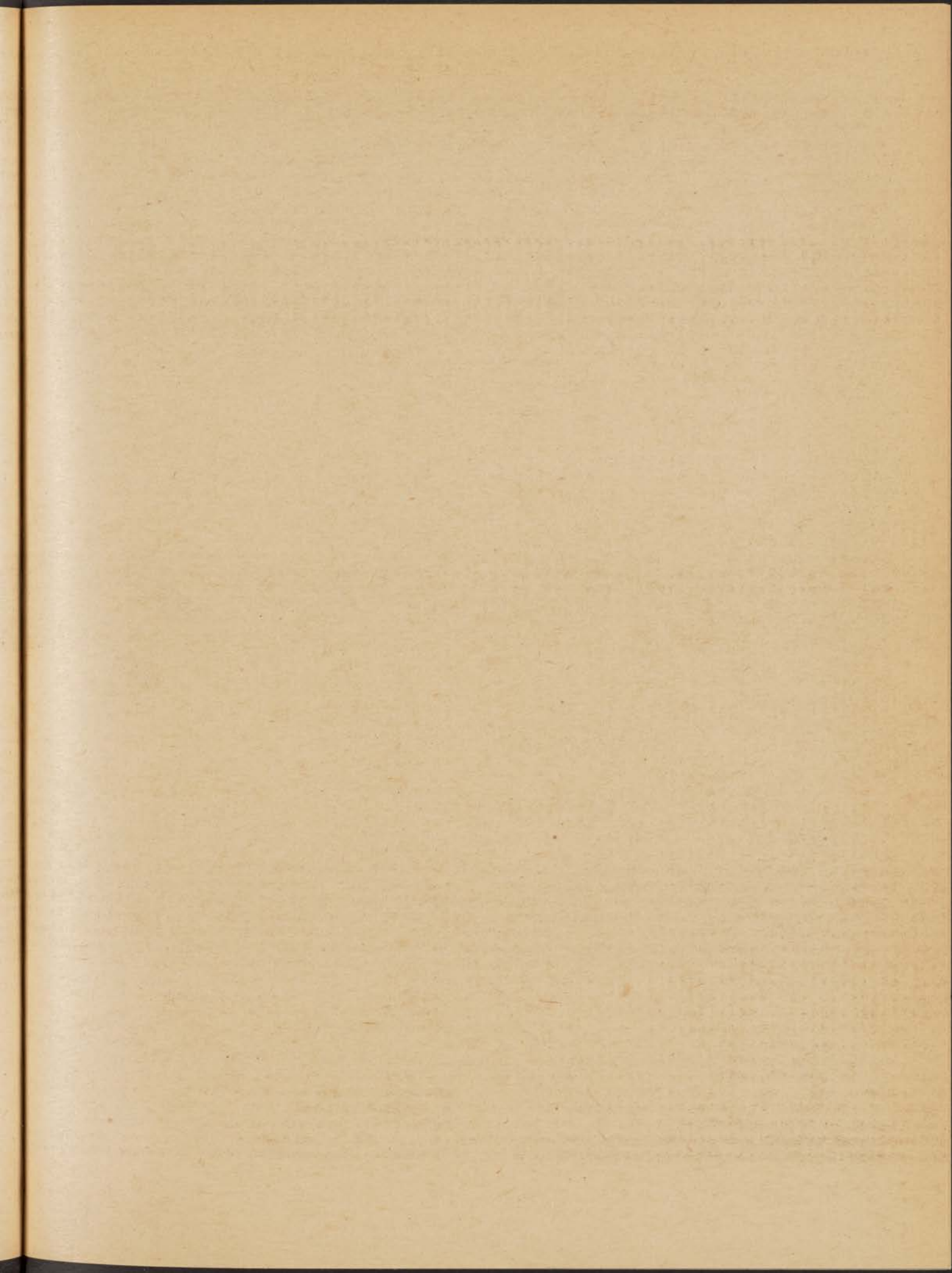
- 15648 3-15-79 / Parts manufacturer and export airworthiness approval

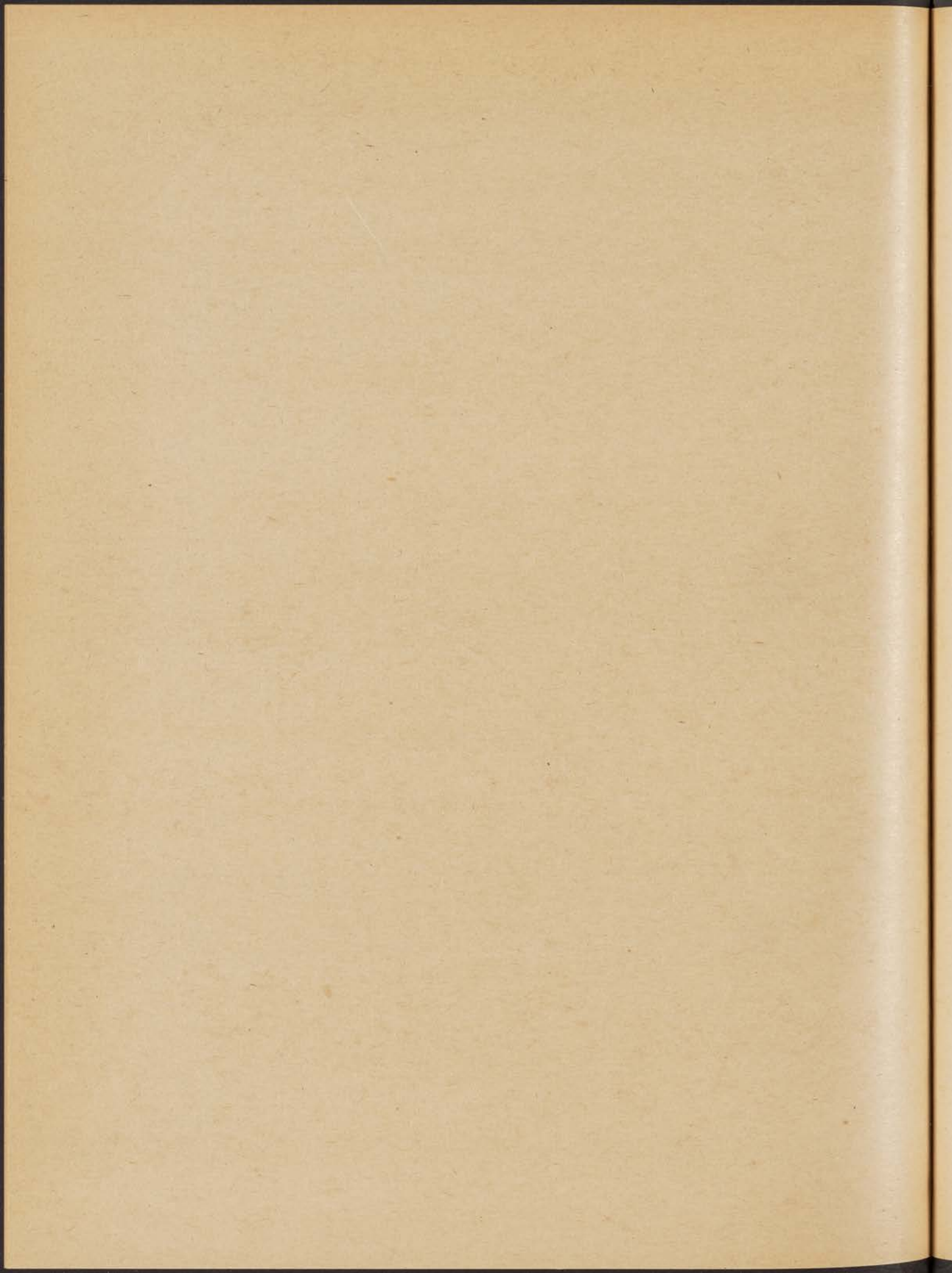
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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing Apr. 12, 1979







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